

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

07-1264

MAURICE BAROUSSE, ET AL.

VERSUS

WESTERN WORLD INSURANCE COMPANY, ET AL.

COOKS, J., concurs in the result and assigns additional reasons.

I concur in the result reached by the majority and specifically note La.R.S. 32:900(B)(2)(d) requires “owners” to secure and maintain “another” policy for the person excluded in an equal amount in cases involving commercial policies. It does not require the primary or excess insurer, as in this case, to do anything, nor does it subject said insurer to additional liability beyond the terms of the contract in the event an owner fails to comply with the statutory mandate. Plaintiff may have a viable claim, based on La.R.S. 32:900(B)(2)(d), but that claim is assertable only against the owner who acquired the commercial policy which triggered the statutory mandate.