

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 91

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “benefits” insert “or services”; in line 7, after “circumstances;” insert “specifying that a payor has no obligation to advise the injured person of the right to a certain reduction of a subrogation claim; requiring an injured person to provide a certain certification concerning attorney’s fees incurred by the injured person under certain circumstances;”; and in line 9, after “benefits” insert “or services”.

AMENDMENT NO. 2

On page 1, in line 22, after “(B)” insert “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 22, after “SUBROGATION” insert “UNDER A CONTRACT OR APPLICABLE LAW”; in line 23, after “BENEFITS” insert “OR SERVICES”; strike beginning with “UNDER” in line 24, down through “ARTICLE,” in line 25; in line 25, after “OR” insert “UNDER”; and after line 29, insert:

“(2) THIS SECTION DOES NOT APPLY TO A VOLUNTARY REDUCTION OF A SUBROGATION CLAIM BY A PAYOR THAT EXCEEDS THE REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION.”

AMENDMENT NO. 3

On page 2, strike beginning with “UNLESS” in line 1 down through “INJURY,” in line 2.

AMENDMENT NO. 4

On page 2, in line 4, after “BENEFITS” insert “OR SERVICES”.

AMENDMENT NO. 5

On page 2, after line 14, insert:

(Over)

“(D) A PAYOR HAS NO OBLIGATION TO ADVISE AN INJURED PERSON OR AN ATTORNEY FOR THE INJURED PERSON OF THE INJURED PERSON’S RIGHT TO A REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(E) ON WRITTEN REQUEST BY A PAYOR, AN INJURED PERSON OR AN ATTORNEY FOR THE INJURED PERSON WHO DEMANDS A REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL PROVIDE THE PAYOR WITH A CERTIFICATION BY THE INJURED PERSON THAT STATES THE AMOUNT OF THE ATTORNEY’S FEES INCURRED BY THE INJURED PERSON FOR SERVICES RENDERED IN CONNECTION WITH THE INJURED PERSON’S CLAIM.”.