

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 97

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “may” and substitute “shall”.

AMENDMENT NO. 2

On page 2, in line 25, strike “UNJUSTIFIED” and substitute “UNSUPPORTED BY THE INSURER’S UNDERWRITING STANDARDS”; in line 26, strike “, IN THE COMMISSIONER’S SOLE DISCRETION, MAY” and substitute “SHALL”; in line 28, after “COMMISSIONER” insert “FINDS THAT THE INSURER’S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH OR THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE”; and in lines 28 and 29, strike “CONSIDERS THE FEES APPROPRIATE”.

On page 3, in line 10, strike “justified” and substitute “SUPPORTED BY THE INSURER’S UNDERWRITING STANDARDS”; in line 15, after “action” insert “OF THE INSURER”; in the same line, strike “unjustified” and substitute “UNSUPPORTED BY THE INSURER’S UNDERWRITING STANDARDS”; in line 16, after “Commissioner” insert “SHALL”; in line 17, strike “shall”; in line 18, strike “IN THE COMMISSIONER’S SOLE DISCRETION, may”; and in line 20, strike “considers THE FEES appropriate” and substitute “FINDS THAT THE INSURER’S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH OR THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE”.