

SB0389/618479/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 389

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Failure to Act in Good” and substitute “Bad”; in line 4, after “certain” insert “damages,”; in the same line, after “costs,” insert “and”; in lines 5 and 6, strike “and actual compensatory damages,”; in line 6, strike “failed to act in good faith” and substitute “acted in bad faith”; in the same line, after the semicolon insert “requiring an insured to send a certain notice to the insurer before filing a certain civil action;”; and in line 8, strike “failure to act in good” and substitute “acting in bad”.

AMENDMENT NO. 2

On page 1, in line 19, strike “IN” and substitute “ONLY TO”.

On page 2, in line 2, strike “INSURANCE”; in the same line, after “POLICY” insert “OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”; and in line 4, after “LOSS” insert “UNDER THE INSURER’S POLICY OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”.

AMENDMENT NO. 3

On page 2, after line 4, insert:

“(B) (1) AT LEAST 30 DAYS BEFORE FILING AN ACTION UNDER THIS SECTION, AN INSURED SHALL SEND WRITTEN NOTICE TO THE INSURER OF THE INSURED’S INTENT TO FILE THE ACTION.”

(Over)

(2) THE NOTICE SHALL INCLUDE AN OFFER TO SETTLE THE INSURED’S CLAIM AGAINST THE INSURER AND STATE THE AMOUNT OF THE SETTLEMENT OFFER.”;

and in lines 5 and 18, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

AMENDMENT NO. 4

On page 2, in line 7, strike “**FAILED TO ACT IN GOOD FAITH**” and substitute “**ACTED IN BAD FAITH**”.

AMENDMENT NO. 5

On page 2, after line 8, insert:

“(1) ACTUAL DAMAGES, WHICH MAY NOT EXCEED THE COVERAGE THAT EXISTS UNDER THE INSURER’S POLICY;

(2) NONECONOMIC DAMAGES;

(3) CONSEQUENTIAL DAMAGES;”;

in lines 9 and 11, strike “(1)” and “(2)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 10, after the semicolon insert “**AND**”; and strike beginning with “**AND**” in line 16 down through “**DAMAGES**” in line 17.