

SB 180-4
(LC 306)
3/18/21 (TSB/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
SENATE BILL 180**

1 Delete lines 5 through 16 of the printed bill and insert:

2 **“SECTION 2. (1)(a) An insurer shall notify a claimant in writing**
3 **at the time the insurer pays \$5,000 or more to settle a third-party li-**
4 **ability claim if:**

5 **“(A) The claimant is a natural person;**

6 **“(B) The insurer or an agent or other representative of the insurer,**
7 **including the insurer’s attorney, delivers the payment to the claimant**
8 **or to the claimant’s attorney, agent or other representative by draft,**
9 **check or other form of payment; and**

10 **“(C) The claimant or the claimant’s attorney has provided contact**
11 **information or a mailing address to the insurer.**

12 **“(b) An insurer may comply with paragraph (a) of this subsection**
13 **by sending to the claimant a copy of the cover letter that accompanies**
14 **the insurer’s settlement payment to the claimant’s attorney. Any no-**
15 **tice to the claimant other than a copy of the cover letter may not in-**
16 **clude more than:**

17 **“(A) A statement that the insurer has paid a settlement;**

18 **“(B) The amount of the settlement;**

19 **“(C) The date on which the insurer paid the settlement;**

20 **“(D) The insurer’s name; and**

21 **“(E) Any identifying number for the claim.**

1 **“(2) Subsection (1) of this section does not:**

2 **“(a) Create a cause of action against an insurer for the insurer’s**
3 **failure to provide the notice described in subsection (1) of this section;**
4 **or**

5 **“(b) Create for the claimant’s attorney a defense to any cause of**
6 **action based on an insurer’s failure to provide the notice described in**
7 **subsection (1) of this section.**

8 **“(3) Subsection (1) of this section authorizes an insurer or the**
9 **insurer’s attorney to communicate with the claimant for the purpose**
10 **of delivering the notice described in subsection (1) of this section even**
11 **if the insurer or the insurer’s attorney knows that the claimant is**
12 **represented by an attorney.**

13 **“(4) This section does not invalidate or otherwise affect a settle-**
14 **ment for which an insurer made a payment.”.**

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