

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 10, 2020

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB20-1290 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 8, strike "ASSERTED:" and substitute
- 2 "ASSERTED IN A COURT OF LAW OR AN ARBITRATION:".

- 3 Page 2, strike lines 9 through 11 and substitute:
 - 4 "(a) THE INSURER HAS SUBMITTED A WRITTEN REQUEST TO THE
 - 5 INSURED OR THE INSURED'S REPRESENTATIVE FOR THE INFORMATION THE
 - 6 INSURER SEEKS VIA:
 - 7 (I) ELECTRONIC MEANS IF THE INSURED OR THE INSURED'S
 - 8 REPRESENTATIVE HAS CONSENTED TO RECEIVE ELECTRONIC DOCUMENTS
 - 9 FROM THE INSURER; OR
 - 10 (II) CERTIFIED MAIL;".

- 11 Page 3, line 6, strike "REQUESTED. A" and substitute "REQUESTED, BUT A".

- 12 Page 3, line 7, strike "(1)(e)." and substitute "(1)(e); AND".

- 13 Page 3, strike lines 8 and 9.

- 14 Page 3, line 10, strike "(g)" and substitute "(f)".

- 15 Page 3, after line 17 insert:
 - 16 "(2) A FAILURE TO COOPERATE DEFENSE ACTS AS A DEFENSE TO

1 THE PORTION OF THE CLAIM MATERIALLY AND SUBSTANTIALLY
2 PREJUDICED TO THE EXTENT THE INSURER COULD NOT EVALUATE OR PAY
3 THAT PORTION OF THE CLAIM."

4 Renumber succeeding subsections accordingly.

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