

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Joseph offered the following:

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3 **Amendment to Amendment (263047)**

4 Between lines 308 and 309 of the amendment, insert:

5 3. The insurer has a reciprocal duty to act in good faith
6 toward the claimant and attorney for the claimant in furnishing
7 information regarding the claim, making demands of the claimant,
8 requesting or granting extensions, communicating with the
9 claimant, and in attempting to settle the claim. These duties do
10 not create a separate cause of action, but may only be
11 considered pursuant to subparagraph 4.

12 4. In any action for bad faith against an insurer, the
13 trier of fact may consider whether the insurer did not act in

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14 | good faith pursuant to subparagraph 3., in which case the trier
15 | of fact may reasonably increase the amount of damages awarded
16 | against the insurer.

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