

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1286 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 27-1-13-7 IS AMENDED TO READ AS
4 FOLLOWS: Sec. 7. No policy of insurance against loss or damage
5 resulting from accident to, or death or injury suffered by, an employee
6 or other person or persons and for which the person or persons insured
7 are liable, or, against loss or damage to property resulting from
8 collision with any moving or stationary object and for which loss or
9 damage the person or persons insured is liable, shall be issued or
10 delivered in this state by any domestic or foreign corporation, insurance
11 underwriters, association, or other insurer authorized to do business in
12 this state, unless there shall be contained within such policy a provision
13 that the insolvency or bankruptcy of the person or persons insured shall
14 not release the insurance carrier from the payment of damages for
15 injury sustained or loss occasioned during the life of such policy, and
16 stating that in case execution against the insured is returned unsatisfied
17 in an action brought by the injured person or his or her personal
18 representative in case death resulted from the accident because of such
19 insolvency or bankruptcy then an action may be maintained by the
20 injured person, or his or her personal representative, against such
21 domestic or foreign corporation, insurance underwriters, association or
22 other insurer under the terms of the policy for the amount of the
23 judgment in the said action not exceeding the amount of the policy. No
24 such policy shall be issued or delivered in this state by any foreign or
25 domestic corporation, insurance underwriters, association or other
26 insurer authorized to do business in this state, unless there shall be
27 contained within such policy a provision that notice given by or on
28 behalf of the insured to any authorized agent of the insurer within this
29 state, with particulars sufficient to identify the insured, shall be deemed
30 to be notice to the insurer. No such policy shall be issued or delivered
31 in this state to the owner of a motor vehicle, by any domestic or foreign
32 corporation, insurance underwriters, association or other insurer

1 authorized to do business in this state, unless there shall be contained
2 within such policy a provision insuring such owner against liability for
3 damages for death or injury to person or property resulting from
4 negligence in the operation of such motor vehicle, in the business of
5 such owner or otherwise, by any person legally using or operating the
6 same with the permission, expressed or implied, of such owner. If a
7 motor vehicle is owned jointly by a husband and wife, either spouse
8 may, with the written consent of the other spouse, be excluded from
9 coverage under the policy. A husband and wife may choose instead to
10 have their liability covered under separate policies. A policy issued in
11 violation of this section shall, nevertheless, be held valid but be
12 deemed to include the provisions required by this section, and when
13 any provision in such policy or rider is in conflict with the provision
14 required to be contained by this section, the rights, duties and
15 obligations of the insurer, the policyholder and the injured person or
16 persons shall be governed by the provisions of this section.

17 **(b) If an insurer or self-insured health care provider**
18 **negligently fails to protect the interests of the fund, created by IC**
19 **27-12-6-1, by refusing to pay its share to resolve a patient's**
20 **malpractice claim, resulting in liability of the fund that would not**
21 **have occurred but for the negligence, the commissioner may**
22 **pursue an action against the insurer or self-insured health care**
23 **provider to recover the money the fund was required to pay out as**
24 **a result of that negligence."**

25 Page 2, line 40, delete "fifty".

26 Page 2, line 40, delete "\$250,000" and insert "\$200,000".

27 Page 3, line 34, delete "fifty".

28 Page 3, line 35, delete "\$250,000" and insert "\$200,000".

29 Page 8, line 42, strike "A" and insert "**Except as provided in**
30 **subsection (d) and IC 27-12-13-5, a"**.

31 Page 9, line 7, strike "If" and insert "**Except as provided in**
32 **subsection (d) and IC 27-12-13-5, if"**.

33 Page 9, line 41, delete "one hundred eighty-seven" and insert "**one**
34 **hundred fifty"**.

35 Page 9, line 42, delete "\$187,000" and insert "**\$150,000"**.

36 Page 10, line 5, delete "one hundred eighty-seven" and insert "**one**
37 **hundred fifty"**.

38 Page 10, line 6, delete "\$187,000" and insert "**\$150,000"**.

39 Renumber all SECTIONS consecutively.

(Reference is to Engrossed House Bill 1286 as printed February
17, 1998.)

Senator LANANE