

# 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. **No**  
7 **policy of insurance shall be issued or delivered in this state by any**  
8 **foreign or domestic corporation, insurance underwriters,**  
9 **association or other insurer authorized to do business in this state,**  
10 **unless it contains a provision that authorizes such foreign or**  
11 **domestic corporation, insurance underwriters, association or other**  
12 **insurer authorized to do business in this state to settle the liability**  
13 **of its insured under IC 27-12 et seq. without the consent of its**  
14 **insured when the unanimous opinion of the medical review panel**  
15 **is not in favor of the insured. This provision applies to all medical**  
16 **malpractice insurance policies issued or renewed after January 1,**  
17 **1999.** If a motor vehicle is owned jointly by a husband and wife, either  
18 spouse may, with the written consent of the other spouse, be excluded  
19 from coverage under the policy. A husband and wife may choose  
20 instead to have their liability covered under separate policies. A policy  
21 issued in violation of this section shall, nevertheless, be held valid but  
22 be deemed to include the provisions required by this section, and when  
23 any provision in such policy or rider is in conflict with the provision  
24 required to be contained by this section, the rights, duties and  
25 obligations of the insurer, the policyholder and the injured person or  
26 persons shall be governed by the provisions of this section."

27 Renumber all SECTIONS consecutively.

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

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Senator ALEXA