



February 25, 1999

HOUSE BILL No. 1217

DIGEST OF HB 1217 (Updated February 23, 1999 11:03 am - DI 69)

Citations Affected: IC 34-24.

Synopsis: Treble damages; unfair claim settlement practices. Allows a person who suffers a pecuniary loss as a result of the commission of certain unfair claim settlement practices to bring a civil action against the person who caused the loss for an amount not to exceed three times the actual damages of the person suffering the loss.

Effective: July 1, 1999.

Stilwell

January 11, 1999, read first time and referred to Committee on Judiciary.
February 24, 1999, amended, reported — Do Pass.

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February 25, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1217

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-24-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. If a person suffers a
3 pecuniary loss as a result of a violation of IC 35-43, IC 35-42-3-3,
4 IC 35-42-3-4, or IC 35-45-9 or as a result of the commission of an
5 act described in IC 27-4-1-4.5(1), IC 27-4-1-4.5(4), IC 27-4-1-4.5(6),
6 or IC 27-4-1-4.5(7), the person may bring a civil action against the
7 person who caused the loss for the following:
8 (1) An amount not to exceed three (3) times the actual damages
9 of the person suffering the loss.
10 (2) The costs of the action.
11 (3) A reasonable attorney's fee.
12 (4) Actual travel expenses that are not otherwise reimbursed
13 under subdivisions (1) through (3) and are incurred by the person
14 suffering loss to:
15 (A) have the person suffering loss or an employee or agent of
16 that person file papers and attend court proceedings related to
17 the recovery of a judgment under this chapter; or

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- 1 (B) provide witnesses to testify in court proceedings related to
- 2 the recovery of a judgment under this chapter.
- 3 (5) A reasonable amount to compensate the person suffering loss
- 4 for time used to:
 - 5 (A) file papers and attend court proceedings related to the
 - 6 recovery of a judgment under this chapter; or
 - 7 (B) travel to and from activities described in clause (A).
- 8 (6) Actual direct and indirect expenses incurred by the person
- 9 suffering loss to compensate employees and agents for time used
- 10 to:
 - 11 (A) file papers and attend court proceedings related to the
 - 12 recovery of a judgment under this chapter; or
 - 13 (B) travel to and from activities described in clause (A).
- 14 (7) All other reasonable costs of collection.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "IC 27-4-1-4.5," and insert "**IC 27-4-1-4.5(1), IC 27-4-1-4.5(4), IC 27-4-1-4.5(6), or IC 27-4-1-4.5(7)**,"

and when so amended that said bill do pass.

(Reference is to HB 1217 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 8, nays 6.

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