
SENATE BILL No. 304

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-4-1-18; IC 34-24-3-1.5.

Synopsis: Unfair claim settlement practices. Allows a person who suffers a pecuniary loss as a result of the commission of an unfair claim settlement practice to bring a civil action against the person who caused the loss for actual damages, the costs of the action, and a reasonable attorney's fee if the unfair claim settlement practice involved: (1) misrepresentation of pertinent facts or insurance policy provisions relating to coverage at issue; (2) refusal to pay a claim without conducting a reasonable investigation based upon all available information; or (3) failure to attempt in good faith to effectuate prompt, fair, and equitable settlement of a claim in which liability has become reasonably clear.

Effective: July 1, 2000.

Server, Lanane

January 10, 2000, read first time and referred to Committee on Judiciary.

C
o
p
y



Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

C
O
P
Y

SENATE BILL No. 304



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

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

1 SECTION 1. IC 27-4-1-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. This article does
3 not create a cause of action other than an action by:

- 4 (1) the commissioner to enforce ~~his~~ **the commissioner's** order; **or**
- 5 (2) a person, as defined in section 1 of this chapter, to appeal an
6 order of the commissioner; **or**
- 7 **(3) a person under IC 34-24-3-1.5.**

8 SECTION 2. IC 34-24-3-1.5 IS ADDED TO THE INDIANA CODE
9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2000]: **Sec. 1.5. If a person suffers a pecuniary loss as a result of**
11 **the commission of an unfair claim settlement practice described in**
12 **IC 27-4-1-4.5(1), IC 27-4-1-4.5(4), or IC 27-4-1-4.5(6), the person**
13 **may bring a civil action against the person who caused the loss for**
14 **the following:**

- 15 (1) **The actual damages of the person suffering the loss.**
- 16 (2) **The costs of the action.**
- 17 (3) **A reasonable attorney's fee.**



1 SECTION 3. [EFFECTIVE JULY 1, 2000] IC 34-24-3-1.5, as
2 added by this act, applies only to a cause of action that accrues
3 after June 30, 2000.

C
o
p
y

