



General Assembly

January Session, 2007

Amendment

LCO No. 8838

SB0005808838HDO

Offered by:

REP. GERAGOSIAN, 25th Dist.

REP. FONTANA, 87th Dist.

REP. OLSON, 46th Dist.

To: Subst. Senate Bill No. 58

File No. 24

Cal. No. 703

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING CAPTIVE INSURANCE COMPANIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage, and applicable to requests for*
4 *disclosure made on any pending claim*) (a) The disclosure required under
5 subsections (b) to (e), inclusive, of this section shall terminate one year
6 from the effective date of this section.

7 (b) Not later than fourteen days after an insurer receives a written
8 request by, or on behalf of, an individual that alleges the individual
9 has suffered bodily injury or death caused in a motor vehicle collision
10 by an insured under an automobile liability insurance policy issued by
11 the insurer, the insurer shall provide written disclosure of such
12 insured's insurance policy limits to the individual making the request.

13 The disclosure shall be provided in accordance with subsection (d) of
14 this section.

15 (c) Each written request for disclosure shall be accompanied by a
16 letter from an attorney-at-law admitted to practice in this state, with or
17 without an affidavit, that sets forth: (1) The type of claim alleged
18 against the insured; (2) the date and approximate time of the alleged
19 incident that gave rise to the request for disclosure; and (3) a general
20 description of the injuries alleged to have been caused by the insured.
21 An attorney-at-law who submits a letter requesting disclosure
22 pursuant to this section shall include the attorney's juris number in the
23 letter. The contents of any letter or affidavit requesting disclosure of
24 insurance policy limits pursuant to this section shall not be admissible
25 in evidence in any civil action involving the injury or death that gave
26 rise to the request for disclosure.

27 (d) The disclosure provided by the insurer shall (1) indicate all
28 coverage provided by the insurer to the insured, including, but not
29 limited to, any applicable umbrella or excess liability insurance issued
30 by the insurer, and (2) include copies of applicable declaration pages
31 or similar materials that reflect the insurance coverage provided by the
32 insurer to the insured.

33 (e) The requirements of this section shall only apply to an insurer
34 with respect to a policy that insures against loss or damage on account
35 of the bodily injury or death of any person.

36 Sec. 2. (*Effective from passage*) Not later than January 1, 2009, the
37 Judicial Department shall submit a report to the joint standing
38 committee of the General Assembly having cognizance of matters
39 relating to insurance that specifies the number of automobile injury
40 cases settled as a result of the disclosure required in section 1 of this
41 act."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage, and applicable to requests for disclosure made on any pending claim</i>	New section
Sec. 2	<i>from passage</i>	New section