

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Joyner, Galvano, and Seiler offered the following:

Amendment

Remove line(s) 1757-1768, and insert:

- (a) Whether the insurer demonstrated a reasonable willingness to settle with the claimant in a prompt manner;
- (b) Whether the insurer considered the advice of its defense counsel and the advice of independent counsel representing solely the interests of the insured;
- (c) Whether the insurer properly investigated and evaluated the claim;
- (d) Whether the insurer timely and fully advised the insured of all offers to settle, the right to retain personal counsel, and the probably outcome and risks of litigation;

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26 (e) Whether the insured denied liability or requested that
27 the case be defended after the insurer fully advised the insured
28 as to the facts and the risks;

29 (f) Whether the conditions for settlement imposed by the
30 claimant, other than tender of the policy limits, were
31 reasonable;

32 (g) Whether a reasonable person who was facing the
33 prospect of paying the entire loss would have settled the claim
34 within policy limits;

35 (h) Whether the insurer puts its own interests or anyone
36 else's interests above the interests of the insured;

37 (i) Whether there was a potential for damages to exceed
38 policy limits.

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