



270236

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment to Amendment (263352)

Delete lines 476 - 488
and insert:

(b) The liability of the members, officers, executive director, employees, and representatives of the commission acting within the scope of such persons' employment or duties, for acts, errors, or omissions occurring within this state, may not exceed the limits of liability set forth under the constitution and laws of this state for state officials, employees, and agents. The commission is an instrumentality of the state for the purposes of any such action. This subsection



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13 does not protect such persons from suit or liability for damage,
14 loss, injury, or liability caused by a criminal act or the
15 intentional or willful and wanton misconduct of such person.

16 (c) The commission shall defend any member, officer,
17 executive director, employee, or representative of the
18 commission in any civil action seeking to impose liability
19 arising out of any actual or alleged act, error, or omission
20 that occurred within the scope of commission employment, duties,
21 or responsibilities, or where the person against whom the claim
22 is made has a reasonable basis for believing occurred within the
23 scope of commission employment, duties, or responsibilities if
24 the actual or alleged act, error, or omission did not result
25 from that person's intentional or willful and wanton misconduct.
26 This article does not prohibit that person from retaining his or
27 her own counsel.

28 (d) The commission shall indemnify and hold harmless any