

## S.B. 62

# MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 22, 2010 3:58 PM

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 1, Lines 14 through 16:*

14           ▶ provides that an uninsured and underinsured motorist coverage carrier shall provide  
15 a written response to a covered person's demand for uninsured or underinsured  
16 motorist compensation { ~~within 30 days~~ } within a reasonable period of time ;

2. *Page 10, Lines 286 through 288:*

286           (9) (a) (i) { ~~Within 30 days of a covered person making~~ } An uninsured motorist carrier that  
receives a specific demand for uninsured  
287 motorist compensation { ~~, the uninsured motorist carrier shall provide a written response to the~~  
288 demand } from a covered person shall have a reasonable period of time, but not to exceed 60 days, to  
provide a written response to the covered person's written demand for a specific amount of  
compensation .

3. *Page 10, Line 305 through Page 11, Line 313:*

305           (d) (i) { ~~If the fact finder determines that the award is greater than the uninsured motorist~~  
306 carrier's last offer, the uninsured motorist carrier shall pay the following: } If the final award is  
greater than the uninsured motorist carrier's offer existing 120 days after the covered person's initial  
written demand, the uninsured motorist carrier shall pay the entire award including any amount in  
excess of the uninsured motorist policy that is the subject of the arbitration or litigation, not to exceed  
three times the amount of the subject uninsured motorist policy.  
(ii) If the judge or arbitrator determines that the covered person intentionally withheld a material  
fact prior to the initial demand:  
(A) the award may not exceed the uninsured motorist policy limits; and  
(B) no costs may be awarded to the covered person under Subsection (9)(d)(iii).  
(iii) If the award is greater than the uninsured motorist carrier's offer described in Subsection  
(9)(a)(i), the uninsured motorist carrier shall pay the following:  
307           { ~~(A) the fact finder's award, including any amount in excess of the subject's uninsured~~  
308 motorist policy limit;  
309 ~~(B)~~ } (A) any costs set forth in Rule 54(d) of the Utah Rules of Civil Procedure; and  
310           { ~~(C)~~ } (B) the costs of expert witnesses and depositions.  
311           (ii) (A) The judge or arbitrator in a separate, later proceeding shall make a

312 determination of the costs described in ~~{Subsection}~~ Subsections (9)(d)(i) (A) and (B).  
313 (B) The costs described in ~~{Subsection}~~ Subsections (9)(d)(i) ~~{(C)}~~ (A) and (B) shall  
become a part of the award.

4. Page 18, Lines 551 through 553:

551 (8)(a)(i) ~~{Within 30 days of a covered person making}~~ An underinsured motorist carrier  
that receives a specific demand for  
552 underinsured motorist compensation ~~{, the underinsured motorist carrier shall provide a written~~  
553 response to the demand.} from a covered person shall have a reasonable period of time, but not to  
exceed 60 days, to provide a written response to the covered person's written demand for a specific  
amount of compensation.

5. Page 19, Lines 571 through 580:

571 (d)(i) ~~{If the fact finder determines that the award is greater than the underinsured~~  
572 motorist carrier's last offer, the underinsured motorist carrier shall pay the following:} If the final  
award is greater than the underinsured motorist carrier's offer existing 120 days after the covered  
person's initial written demand, the underinsured motorist carrier shall pay the entire award including  
any amount in excess of the underinsured motorist policy that is the subject of the arbitration or  
litigation, not to exceed three times the amount of the subject underinsured motorist policy.  
(ii) If the judge or arbitrator determines that the covered person intentionally withheld a material  
fact prior to the initial demand:  
(A) the award may not exceed the underinsured motorist policy limits; and  
(B) no costs may be awarded to the covered person under Subsection (8)(d)(iii).  
(iii) If the award is greater than the underinsured motorist carrier's offer described in Subsection  
(8)(a)(i), the underinsured motorist carrier shall pay the following:  
573 ~~{(A) the fact finder's award, including any amount in excess of the subject~~  
574 underinsured's motorist policy limit;  
575 ~~——(B)}~~ (A) any costs set forth in Rule 54(d) of the Utah Rules of Civil Procedure; and  
576 ~~{(C)}~~ (B) the costs of expert witnesses and depositions.  
577 (ii) (A) The judge or arbitrator in a separate, later proceeding shall make a  
578 determination of the costs described in ~~{Subsection}~~ Subsections (8)(d)(i) (A) and (B).  
579 (B) The costs described in ~~{Subsection}~~ Subsections (8)(d)(i) ~~{(C)}~~ (A) and (B) shall  
become a part of the award.  
580 (e) This Subsection (8) does not limit any other cause of action that arose or may arise