

1 Notwithstanding any provision of this chapter to the contrary,
2 a third-party claimant who sustains damages as a consequence of the
3 willful or intentional violation of this article, may bring an
4 action against the person or entity committing the willful or
5 intentional violation and may recover all damages and pursue all
6 legal and equitable remedies available under the law. The
7 individual or entity shall bring the action in a court of competent
8 jurisdiction and shall be required, in order to recover any of the
9 damages and remedies provided by this section, to establish by
10 competent proof by clear and convincing evidence: (1) That the
11 violation did in fact occur; (2) the violation was willful or
12 intentional; and (3) that damages resulted from the violation.

NOTE: The purpose of this bill is to permit a third-party claimant to collect damages from an insurance company that has intentionally engaged in an unfair trade practice. The bill sets forth the requirements that must be met in order that damages may be awarded.

This section is new; therefore, strike-throughs and underscoring have been omitted.