

2015 -- H 5471

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO INSURANCE -- UNFAIR PRACTICES

Introduced By: Representatives Corvese, Winfield, Carnevale, and Slater

Date Introduced: February 12, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 27-29 of the General Laws entitled "Unfair Competition and  
2 Practices" is hereby amended by adding thereto the following section:

3           **27-29-18. Private actions.** – (a) Notwithstanding any provision of law to the contrary,  
4 any insured or third-party claimant, may bring an action for money damages against an insurer,  
5 its employees and agents, as a result of the use or employment by an insurer, employee, agent, or  
6 person of a method, act or practice declared unlawful by §§ 27-29-4, 27-29-4.4, 27-9.1-1 through  
7 27-9.1-9. Notwithstanding any provisions of law to the contrary, all such actions may be brought  
8 in the small claims district, and superior court of the state of Rhode Island in the county in which  
9 the insurer maintains its principal place of business. If the insurer is a foreign entity all such  
10 actions shall be brought in the county in which the party bringing the action resides.

11           (b) In any action brought under this section, in addition to the relief provided in this  
12 section, the court may award, in its discretion, punitive damage, reasonable attorney's fees and  
13 costs, and may provide other equitable relief that it deems necessary or proper.

14           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO INSURANCE -- UNFAIR PRACTICES

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- 1           This act would create a new private cause of action against insurance companies that
- 2 engage in unfair claims settlement practices and unfair and deceptive competition and practices.
- 3           This act would take effect upon passage.

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