

2021 -- H 6088

LC001991

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO INSURANCE -- MOTOR VEHICLE INSURANCE

Introduced By: Representatives S Lima, and Casey

Date Introduced: March 03, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-10.3-1 of the General Laws in Chapter 27-10.3 entitled "Motor  
2 Vehicle Insurance - Mandatory Arbitration Provision" is hereby amended to read as follows:

3 **27-10.3-1. Arbitration provision.**

4 (a) Every contract of motor vehicle liability insurance, issued in the state by an insurance  
5 carrier authorized to do business in the state, shall contain the following provisions:

6 (1) Any person, referred to in this section as "the plaintiff," suffering a loss, allegedly  
7 resulting out of the ownership, maintenance, or use of a motor vehicle by an insured or self-insured,  
8 and allegedly resulting from liability imposed by law for property damage, bodily injury, or death,  
9 may, at his or her election, whenever the claim is for fifty thousand dollars (\$50,000) or less, submit  
10 the matter to arbitration pursuant to chapter 3 of title 10;

11 (2) Selection of arbitrator. After submission to arbitration by the plaintiff, one arbitrator  
12 shall be selected from the list of qualified arbitrators of the court annexed arbitration program of  
13 the superior court in the same manner as arbitrators are selected in accordance with the rules of that  
14 program. Each party shall share the expenses of arbitration in accordance with the rules of the court  
15 annexed arbitration program;

16 (3) Hearings. The arbitrator shall call a hearing and provide seven (7) days notice of the  
17 time and place of the hearing to the parties. The hearing shall be informal, and the rules of evidence  
18 prevailing in judicial proceedings shall be binding. Any and all documentary evidence and other  
19 data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the

1 power to administer oaths and to require by subpoena the attendance and testimony of witnesses,  
2 and the production of books, records, and other evidence, relative or pertinent to the issues  
3 presented to them for determination. The decision of the arbitrators shall be binding upon the parties  
4 unless:

5 (i) In the event that suit has not been instituted, either party reserves his or her right to a  
6 jury trial by giving notice of this reservation of right to the other party or parties and to the  
7 arbitrators within sixty (60) days of the arbitrators award ~~by certified mail return receipt requested~~  
8 by email, delivery receipt requested. In the event a party does not have email, the notice of  
9 reservation of right shall be sent by certified mail return receipt requested; or

10 (ii) In the event that suit has been instituted, either party files a request for a jury trial with  
11 the court and with notice to the other party or parties within sixty (60) days of the arbitrator's award.  
12 If the case proceeds to trial subsequent to arbitration, the decision of the arbitrators shall not be  
13 admissible;

14 (4) Statute of limitations. Notwithstanding the foregoing, a suit shall be instituted in order  
15 to bring the action within any applicable statute of limitations, but the suit will be stayed until an  
16 arbitrators award has been made or the case reached for trial;

17 (5) Agreements to arbitrate. Uninsured motorist contracts shall be governed by the  
18 provisions of § 10-3-2.

19 (b) Every person who maintains motor vehicle liability insurance shall, when making an  
20 application for a motor vehicle operator's license, or the renewal of that license, or when registering  
21 a motor vehicle, agree in writing on a form provided by the director of the department of  
22 transportation to be bound by the provisions of this chapter.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- MOTOR VEHICLE INSURANCE

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1           This act would require that the notice of the reservation of right to a jury trial in an  
2 arbitration proceeding, when suit has not been instituted after an arbitrator's award be sent by email,  
3 delivery receipt requested to the other party or parties and to the arbitrators. In the event a party  
4 does not have email, the notice would be sent by certified mail return receipt requested.

5           This act would take effect upon passage.

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