

2014 -- H 8124

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- BONDS OF EXECUTORS,  
ADMINISTRATORS, AND GUARDIANS

Introduced By: Representatives Canario, Bennett, Azzinaro, Guthrie, and Johnston

Date Introduced: May 01, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 33-17 of the General Laws entitled "Bonds of Executors,  
2 Administrators, and Guardians" is hereby amended by adding thereto the following section:

3 **33-17-30. Surety's bad faith refusal to pay a claim made under any probate surety**  
4 **bond. – (a) Notwithstanding any provisions of the general or public laws to the contrary, any**  
5 **obligee, principal or claimant, under any fiduciary bond submitted or filed under a probate court**  
6 **order, may bring an action against a surety issuing such bonds, for wrongfully and in bad faith**  
7 **refusing to pay or settle a claim pursuant to the provisions of the bonds, or otherwise wrongfully**  
8 **and in bad faith refusing to timely perform its obligations under the bond. In any action brought**  
9 **pursuant to this section, an obligee, principal or claimant may claim compensatory damages,**  
10 **punitive damages and reasonable attorneys' fees and costs of suit.**

11 **(b) The provisions of this section shall apply to all actions against sureties as of the**  
12 **effective date of this section, regardless of the date of the bond.**

13 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 PROBATE PRACTICE AND PROCEDURE -- BONDS OF EXECUTORS,  
ADMINISTRATORS, AND GUARDIANS

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1           This act would provide a cause of action on behalf of any principal or claimant covered  
2           under a fiduciary bond filed under a probate court order against the issuing surety for wrongfully,  
3           and in bad faith, refusing to pay or settle a claim, or perform its obligations under the bond. This  
4           act would also provide for damages and attorneys' fees.

5           This act would take effect upon passage.

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