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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: Senator Michael J. McCaffrey

Date Introduced: March 04, 2014

Referred To: Senate 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

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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