

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 4, 2010
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB10-1164 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 13, strike "(2) (h)," and substitute "(3),".
- 2 Page 2, line 14, strike "INEFFECTIVE;" and substitute "INEFFECTIVE AFTER
- 3 REASONABLE EFFORT HAS FAILED;".
- 4 Page 4, line 26, strike "(2) (h)," and substitute "(3),".
- 5 Page 5, line 12, strike "SUBPOENAS,".
- 6 Page 5, after line 25 insert:
 - 7 "(b) IF SERVICE OF PROCESS IS MADE ON THE INSURANCE CARRIER
 - 8 UNDER THIS SUBSECTION (3), THE PLAINTIFF SHALL CAUSE THE SERVICE OF
 - 9 PROCESS TO BE MADE ON THE INSURANCE CARRIER'S REGISTERED AGENT.
- 10 (c) IF SERVICE IS OBTAINED UNDER THIS SECTION, THE VENUE FOR
- 11 THE UNDERLYING CLAIM IS THE SAME AS IF THE DEFENDANT IS A
- 12 NONRESIDENT.
- 13 (d) EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBSECTION (3), THIS
- 14 SUBSECTION (3) DOES NOT ALTER OR EXPAND THE TERMS AND CONDITIONS
- 15 OF THE INSURANCE POLICY OR LIABILITY COVERAGE.".
- 16 Reletter succeeding paragraphs accordingly.

1 Page 6, before line 2 insert:

2 "(f) IF SERVICE OF PROCESS IS MADE ON THE INSURANCE CARRIER
3 UNDER THIS SUBSECTION (3) AND THE COURT ENTERS JUDGMENT OR THE
4 INSURANCE CARRIER AGREES TO A SETTLEMENT FOR THE DAMAGES
5 CAUSED BY THE ABSENT INSURED, THE AMOUNT OF THE INSURANCE
6 CARRIER'S LIABILITY SHALL NOT EXCEED THE POLICY LIMITS OF THE
7 COVERAGE. A JUDGEMENT OR SETTLEMENT OBTAINED USING SERVICE OF
8 PROCESS ON THE CARRIER SHALL NOT BAR THE INJURED PERSON FROM
9 SUBSEQUENTLY MAKING PERSONAL SERVICE ON THE PERSON WHO CAUSED
10 THE INJURY AND SEEKING ADDITIONAL REMEDIES PROVIDED BY LAW."

11 Reletter succeeding paragraph accordingly.

12 Page 6, line 8, strike "July 1, 2010," and substitute "January 1, 2011,".

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