

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1659

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: DECEMBER 20, 2021

These floor amendments provide that:

(1) a claimant who is unreasonably denied a claim for coverage or payment of benefits, or who experiences an unreasonable delay for coverage or payment of benefits, under an uninsured or underinsured motorist policy by an insurer may, regardless of any action by the commissioner, file a civil action in a court of competent jurisdiction against its automobile insurer;

(2) the commissioner may determine whether an insurer's rates are constitutionally adequate pursuant to the provisions of this bill and, if the commissioner determines that rate relief is necessary, the commissioner will be required to determine an appropriate rate adjustment;

(3) upon establishing that a violation of the provisions of the bill has occurred, the claimant will be entitled to actual damages caused by the violation, including, but not limited to, actual trial verdicts not exceeding three times the applicable coverage amount, and pre- and post-judgment interest, reasonable attorney's fees, and reasonable litigation expenses; and

(4) if any portion of the bill is determined to be invalid, the remaining portion of the bill is to remain in full force.