Floor Amendment No. _____ to S.B. 615

On page 13, between lines 11 and 12, insert the following appropriately numbered section:

SECTION ___. Section 2210.575, Insurance Code, is amended by adding subsection (f-1) to read as follows:

(f-1) If a claimant brings an action against the association concerning a partial or full denial of coverage under a commercial policy and the association later accepts part or all of a previously denied portion of the claim, the court shall dismiss the action as to the portion of the claim the association has accepted so that the parties may proceed with appraisal as provided in Section 2210.573, but only if the association notifies the claimant of its acceptance of the claim before the later of the 90th day after the date:

(1) the claimant's notice of intent to bring an action is received by the association;

(2) the date an alternative dispute resolution process under this section is completed; or

(3) the association files its answer to the claimant's action.

(f-2) If the court grants a motion to dismiss under Subsection (f-1), the court shall order the association to pay the claimant's court costs and the reasonable and necessary amounts for:

(1) attorney's fees incurred by the claimant in pursuing the action before it was dismissed;

(2) expert fees paid by the claimant to investigate and evaluate the claim in order to pursue the action; and

(3) expenses incurred by the claimant to

<u>investigate and evaluate the claim in order to pursue the</u>

<u>action.</u>

On page 16, between lines 23 and 24, insert the following:

   (j) Sections 2210.575(f-1) and 2210.575(f-2) apply to a claim submitted under an association policy that is delivered, issued for delivery, or renewed on or after January 1, 2020. A claim submitted under an association policy that is delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of the Act, and that law is continued in effect for that purpose.