

§2436-A. Unfair claims settlement practices

1. Civil actions. A person injured by any of the following actions taken by that person's own insurer may bring a civil action and recover damages, together with costs and disbursements, reasonable attorney's fees and interest on damages at the rate of 1 1/2% per month:

A. Knowingly misrepresenting to an insured pertinent facts or policy provisions relating to coverage at issue; [PL 1997, c. 621, §1 (RPR).]

B. Failing to acknowledge and review claims, which may include payment or denial of a claim, within a reasonable time following receipt of written notice by the insurer of a claim by an insured arising under a policy; [PL 1997, c. 621, §1 (RPR).]

C. Threatening to appeal from an arbitration award in favor of an insured for the sole purpose of compelling the insured to accept a settlement less than the arbitration award; [PL 1997, c. 621, §1 (RPR).]

D. Failing to affirm or deny coverage, reserving any appropriate defenses, within a reasonable time after having completed its investigation related to a claim; or [PL 1997, c. 621, §1 (RPR).]

E. Without just cause, failing to effectuate prompt, fair and equitable settlement of claims submitted in which liability has become reasonably clear. [PL 1997, c. 621, §1 (NEW).]
[PL 1997, c. 621, §1 (RPR).]

2. Without just cause. For the purposes of this section, an insurer acts without just cause if it refuses to settle claims without a reasonable basis to contest liability, the amount of any damages or the extent of any injuries claimed.
[PL 1997, c. 621, §1 (RPR).]

3. No limitation on other cause of action. Nothing in this section prohibits any other claim or cause of action a person has against an insurer.
[PL 1997, c. 621, §1 (NEW).]

4. Application. This section does not apply to workers' compensation claims.
[PL 1997, c. 621, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 291, §2 (NEW). PL 1997, c. 621, §1 (RPR).

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