

## §2436-B. Declaratory judgment actions involving insurance policies

**1. Definition.** For purposes of this section, "insured" means a natural person and does not include a corporation, trust, partnership, incorporated or unincorporated association or any other legal entity. [PL 2001, c. 126, §1 (NEW).]

**2. Costs and attorney's fees.** In an action pursuant to Title 14, chapter 707 to determine an insurer's contractual duty to defend an insured under an insurance policy, if the insured prevails in such action, the insurer shall pay court costs and reasonable attorney's fees. [PL 2001, c. 126, §1 (NEW).]

**3. Application.** This section does not apply to workers' compensation, disability, life, health, accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance. [PL 2001, c. 126, §1 (NEW).]

**4. Construction.** This section may not be construed to permit any assignment of rights by an insured to any other person or to create or extend any right or cause of action for a 3rd-party claimant under an insurance policy. [PL 2001, c. 126, §1 (NEW).]

### SECTION HISTORY

PL 2001, c. 126, §1 (NEW).

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