

Amendment to SB 622-FN

1 Amend RSA 415-A:7-a as inserted by section 2 of the bill by replacing it with the following:

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3 415-A:7-a Private Right of Action. Any person injured by an action or unfair claim settlement
4 practice declared unlawful under this chapter may bring an action for damages and for such
5 equitable relief, including an injunction, as the court deems necessary and proper. If the court finds
6 for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater.
7 If the court finds that the use of the method of competition or the act or practice was a willful or
8 knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such
9 amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable
10 attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set
11 forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to
12 private individuals under this chapter without bond, subject to the discretion of the court. Upon
13 commencement of any action brought under this section, the clerk of the court shall mail a copy of
14 the complaint or other initial pleadings to the insurance commissioner and, upon entry of any
15 judgment or decree in the action, shall mail a copy of such judgment or decree to the commissioner.

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17 Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.