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**SENATE FLOOR AMENDMENTS**

2024 Regular Session

Amendments proposed by Senator Seabaugh to Reengrossed House Bill No. 337 by Representative McFarland

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1 AMENDMENT NO. 1

2 On page 1, at the end of the line 2, after "(4)" and before the comma "," insert ", (E), and  
3 (F)"

4 AMENDMENT NO. 2

5 On page 1, line 9, after "(4)" insert ", (E), and (F)"

6 AMENDMENT NO. 3

7 On page 3, between lines 6 and 7, insert:

8 "(1)(a) In those instances where direct action is not otherwise authorized by  
9 law, at the time a judgment is to be entered, or a settlement is reached during  
10 the pendency of litigation, a liability insurer may be joined on motion of any  
11 party as a party defendant for the purposes of entering final judgment or  
12 enforcing the settlement.

13 (b) The provisions of Subparagraph (a) of this Paragraph are subject  
14 to the terms and limits of the policy and do not apply if the insurer timely  
15 denied coverage or reserved rights under the provisions of Subsection E of  
16 this Section unless there has been an adjudication in favor of coverage.

17 (c) Subject to the provisions of this Subsection, any judgment entered  
18 against an insured shall also be rendered against any nonparty insurer that is  
19 joined post-verdict pursuant to this Subsection. If a judgment is reversed or  
20 remanded on appeal, the insurer's presence shall not be disclosed to the jury  
21 in a subsequent trial.

22 (2)(a) With the first responsive pleading filed on behalf of the insured  
23 defendant, counsel for the insured defendant who is authorized by an insurer  
24 shall certify to the plaintiff the name and address of any insurers for whom  
25 he is authorized to confirm that they waive any further notice related to the  
26 cause of action other than that provided to the counsel for the insured. The  
27 insurer is deemed to have all notice provided to the counsel for the insured  
28 who has entered this waiver unless it provides written notice to the parties  
29 instructing notice be additionally sent to another counsel. If an insurer has  
30 waived notice of the cause of action pursuant to this Subparagraph, then an  
31 order to join the defendant post-verdict may be issued ex parte when filed.

32 (b) Notice of the commencement of a civil action may be provided  
33 by plaintiff or its counsel to the nonparty insurer by service of the citation on  
34 the nonparty insurer by any method of service on a defendant provided by  
35 law. Any copy of a motion to join the insurer post-verdict transmitted  
36 pursuant to this Subparagraph may be granted in chambers fifteen days  
37 following service pursuant to this Subparagraph unless a contradictory  
38 hearing is requested prior to that date.

39 E. In addition to any other restriction provided by law, a liability  
40 insurer denying coverage shall do the following:

41 (1) Within ninety days after the liability insurer makes a  
42 determination of the existence of a coverage defense, but in no case later than

1 thirty days before trial, provide written notice of reservation of rights to  
2 assert a coverage defense to the named insured by United States postal proof  
3 of mailing, registered or certified mail, or other similar tracking method used  
4 or approved by the United State Postal Service or commercial courier sent to  
5 the last known address of the insured or by hand delivery.

6 (2) Within sixty days of the later of compliance with Paragraph (1)  
7 of this Subsection and after receipt or waiver of notice pursuant to Paragraph  
8 (D)(2) of this Section, but in no case later than thirty days before trial, the  
9 insured shall give notice to all counsel of record in a cause of action against  
10 the insured that a reservation of rights has been issued and also give notice  
11 to its named insurer in the same manner as provided for in Paragraph (1) of  
12 this Subsection that either:

13 (a) The insurer refuses to defend the insured.

14 (b) The insurer provides independent counsel at the expense of the  
15 insurer."

16 AMENDMENT NO. 4

17 On page 3, at the beginning of line 7, before "The legislature" insert "F."