

HOUSE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KREISS-TOMKINS

Introduced: 1/31/22

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a private cause of action for unfair claim settlement practices; and**
2 **amending Rules 79 and 82, Alaska Rules of Civil Procedure."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 21.36.125(b) is repealed and reenacted to read:

5 (b) In addition to other penalties and remedies provided by statutory or
6 common law, including penalties and remedies that may be imposed by the director
7 under AS 21.36.910, a person subjected to an unfair claim settlement practice in
8 violation of this section may bring a civil action for damages resulting from the unfair
9 claim settlement practice. The person subjected to the unfair claim settlement practice
10 is entitled to recover

11 (1) actual damages suffered by the person;

12 (2) three times the damages awarded under (1) of this subsection or
13 \$500, whichever is greater;

14 (3) other relief the court considers proper; and

1 (4) full reasonable attorney fees and costs.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **INDIRECT COURT RULE AMENDMENT.** AS 21.36.125(b), repealed and reenacted
5 by sec. 1 of this Act, has the effect of changing Rules 79 and 82, Alaska Rules of Civil
6 Procedure, by changing the award of court costs and attorney fees in certain cases.

7 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **CONDITIONAL EFFECT.** AS 21.36.125(b), repealed and reenacted by sec. 1 of this
10 Act, takes effect only if sec. 2 of this Act receives the two-thirds majority vote of each house
11 required by art. IV, sec. 15, Constitution of the State of Alaska.