

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 3, Page 1, Section 435.415, Line 8,

2 by inserting immediately after the word "award" the  
 3 following: "for personal injury, bodily injury, or death";  
 4 and further amend line 9, by inserting immediately after the  
 5 word "award" the following: "for personal injury, bodily  
 6 injury, or death"; and further amend lines 14-15, by  
 7 striking "insurer has agreed in writing to the arbitration  
 8 proceeding. Any arbitration award" and inserting in lieu  
 9 thereof the following: "insured has entered into an  
 10 agreement pursuant to section 537.065 and complied with the  
 11 requirements contained within section 537.065. Any  
 12 arbitration award for personal injury, bodily injury, or  
 13 death"; and further amend line 16, by inserting immediately  
 14 after the word "award" the following: "for personal injury,  
 15 bodily injury, or death"; and further amend lines 18-20, by  
 16 striking all of said lines and inserting in lieu thereof the  
 17 following: "collection from any insurer unless the insured  
 18 has entered into an agreement pursuant to section 537.065  
 19 and complied with the requirements contained in section  
 20 537.065. There shall be a rebuttable presumption that an  
 21 insurer's"; and

22 Further amend said bill and section, page 2, line 22,  
 23 by striking the word "shall" and inserting in lieu thereof  
 24 the following: "does"; and further amend said line, by  
 25 striking the following: ", nor be construed to be,"; and

26 further amend said line 26, by inserting after all of said  
27 line the following:

28 "3. Any arbitration proceeding under this section in  
29 which insurance coverage is at issue shall be conducted by a  
30 panel of arbitrators selected through a strike and rank  
31 process or another process agreed to by the parties."; and  
32 further amend said section by renumbering the remaining  
33 subsection accordingly; and

34 Further amend said bill, page 5, section 537.065, line  
35 67-68, by striking "tort-feasor shall provide his or her";  
36 and further amend line 68, by inserting immediately after  
37 the word "insurers" the following: "shall be provided"; and

38 Further amend said bill and section, page 6, line 98,  
39 by striking the word "defendants" and inserting in lieu  
40 thereof the following: "intervenors"; and further amend  
41 lines 101-104, by striking all of said lines and inserting  
42 in lieu thereof the following: ". No stipulations,  
43 scheduling orders, or"; and further amend lines 108-109, by  
44 striking said lines and inserting in lieu thereof the  
45 following: "assert any rights or raise any defenses related  
46 to its interest in the action."; and

47 Further amend said bill and section, page 7, lines 110-  
48 112, by striking all of said lines; and further amend line  
49 134 by striking "In any such"; and further amend lines 135-  
50 139, by striking all of said lines and inserting in lieu  
51 thereof the following: "There shall be a rebuttable  
52 presumption that the exercise of any rights under this  
53 section does not constitute bad faith.".