

SSB 5726 - S AMD TO S AMD (S-2651.1/07) 255
By Senator Brandland

NOT ADOPTED 03/13/2007

1 On page 2, beginning on line 34 of the amendment, after "benefits"
2 strike all material through "48.30.010(2)" on line 35

3 On page 3, line 1 of the amendment, after "court" strike "shall"
4 and insert "may"

5 On page 3, beginning on line 2 of the amendment, after "benefits"
6 strike all material through "48.30.010(2)" on line 4

7 On page 3, line 5 of the amendment, after "fees and" insert
8 "reasonable"

EFFECT: (1) Makes the award of attorneys' fees discretionary instead of mandatory.

(2) Neither treble damages nor attorneys' fees are available for violations of the applicable WACs that are not unreasonable denials of coverage.

(3) A court may award only "reasonable" actual litigation costs to prevailing plaintiffs.

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