

2012 -- H 7599

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- BONDS OF EXECUTORS,
ADMINISTRATORS, AND GUARDIANS

Introduced By: Representatives Jackson, O'Neill, Gallison, Lally, and Keable

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 33-17 of the General Laws entitled "Bonds of Executors,
2 Administrators, and Guardians" is hereby amended by adding thereto the following section:

3 **33-17-30. Surety's bad faith refusal to pay a claim made under any probate surety**
4 **bond. – (a) Notwithstanding any provisions of the general or public laws to the contrary, any**
5 **obligee, principal or claimant, under any fiduciary bond submitted or filed under a probate court**
6 **order, may bring an action against a surety issuing such bonds, for wrongfully and in bad faith**
7 **refusing to pay or settle a claim pursuant to the provisions of the bonds, or otherwise wrongfully**
8 **and in bad faith refusing to timely perform its obligations under the bond. In any action brought**
9 **pursuant to this section, an obligee, principal or claimant may claim compensatory damages,**
10 **punitive damages and reasonable attorneys' fees and costs of suit.**

11 **(b) The provisions of this section shall apply to all actions against sureties as of the**
12 **effective date of this section, regardless of the date of the bond.**

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- BONDS OF EXECUTORS,
ADMINISTRATORS, AND GUARDIANS

1 This act would provide a cause of action on behalf of any principal or claimant covered
2 under a fiduciary bond filed under a probate court order against the issuing surety for wrongfully,
3 and in bad faith, refusing to pay or settle a claim, or perform its obligations under the bond. This
4 act would also provide for damages and attorneys' fees.

5 This act would take effect upon passage.

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