



Butte Local  
Development  
Corporation

Date <sup>6</sup> 2-10-05  
58 375

February 9, 2005

Montana Senate Judiciary Committee

Dear Chairman Wheat and Members of the Judiciary Committee:

On behalf of the Butte Local Development Corporation, I submit this letter in opposition to Senate Bill 375. We feel the current laws in effect give employees and employers covered under the Federal Employers Liability Act equal and just coverage. Expanding the scope of where a trial could take place under this act does not effectively improve the intent of the Federal Employers Liability Act itself.

Legislation and laws should be written so that all affected are treated fairly. The current law covering the place of trial for a tort action subject to the Federal Employers Liability Act is just and fair. Expanding the scope of where trials can take place removes the balanced approach and subjects the employers to employees seeking trials in locations with a known bias against employers. This bias could potentially result in extraordinarily large settlements against the employers. These settlements although paid by the employer are actually passed on to all those using the railroads through higher transportation rates.

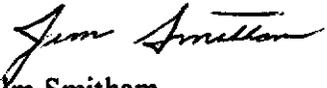
One of Montana biggest detriments is its proximity to major markets. The crops we grow and products we produce must be shipped by truck or rail great distances. Many locations throughout our state are served by just one railroad. We in Montana have for a long time insisted that we have competitive shipping rates. Passing legislation that has the potential to raise the cost of doing business in our state and thus having increased pressure to boost shipping rates is defeating our own purpose.

The current law does not limit the employee's ability to be justly compensated for an action against their employer. This right should be maintained. However, increasing the scope to where the trial could be take place is not just and fair to the employer. We ask that Chairman Wheat reconsider his sponsorship of this bill and that the committee members vote against Senate Bill 375.



Thanks you for your consideration on this matter

Sincerely,

A handwritten signature in cursive script that reads "Jim Smitham". The signature is written in black ink and is positioned above the printed name.

Jim Smitham  
Interim Executive Director

# The 2004 Florida Statutes

## Title XXXVII

### INSURANCE

## Chapter 627

### INSURANCE RATES AND CONTRACTS

#### **627.4137 Disclosure of certain information required.--**

(1) Each insurer which does or may provide liability insurance coverage to pay all or a portion of any claim which might be made shall provide, within 30 days of the written request of the claimant, a statement, under oath, of a corporate officer or the insurer's claims manager or superintendent setting forth the following information with regard to each known policy of insurance, including excess or umbrella insurance:

- (a) The name of the insurer.
- (b) The name of each insured.
- (c) The limits of the liability coverage.
- (d) A statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement.
- (e) A copy of the policy.

In addition, the insured, or her or his insurance agent, upon written request of the claimant or the claimant's attorney, shall disclose the name and coverage of each known insurer to the claimant and shall forward such request for information as required by this subsection to all affected insurers. The insurer shall then supply the information required in this subsection to the claimant within 30 days of receipt of such request.

(2) The statement required by subsection (1) shall be amended immediately upon discovery of facts calling for an amendment to such statement.

**History.--**ss. 543, 809(2nd), ch. 82-243; s. 79, ch. 82-386; s. 22, ch. 83-288; ss. 38, 114, ch. 92-318; s. 327, ch. 97-102.