

50 State Survey of Bad Faith Law.

Does your State encourage bad faith?

A

FIFTY STATE SURVEY OF BAD FAITH LAW										
State	First-Party Insurance			Liability Insurance				Can a Third-Party Bring a direct Action		Punitive Damages
	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
AL	Yes	No	Ala. Code 1975 §27-12-24	Yes	No	No	Ala. Code 1975 §27-12-24	Yes	No	Cap
AK	Yes	No	Alaska Stat. §21.36.125	Yes	Yes	Yes	Alaska Stat. §21.36.125	No	No	Cap
AZ	Yes	No	Ariz.Rev.Stat.Ann. §20-461	Yes	No	Yes	Ariz.Rev.Stat.Ann §20-461	No	No	Yes
AR	Yes	No	Ark. Stat. Ann. §23-66-206(9)	Yes	No	Yes	Ark. Stat. Ann. §23-66-206(9)	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
CA	Yes	Yes	Cal. Ins. Code §790.03(h)	Yes	Yes	Yes	Cal. Ins. Code §790.03(h)	No	No	Yes
CO	Yes	No	Colo. Rev. Stat. §10-3-1104(h)	Yes	No	Yes	Colo. Rev. Stat. §10-3-1104(h)	No	No	Cap
CT	Yes	Yes	Conn. Gen. Stat. §38a-816	Yes	Yes	Yes	Conn. Gen. Stat. §38a-816	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
DE	Yes	Yes	18 Del.Code §2304(16)	Yes	No	Yes	18 Del.Code §2304(16))	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
FL	No	No	Fla. Stat. Ann. §624.155	Yes	No	Yes	Fla. Stat. Ann. §624.155	Yes	Fla. Stat. Ann. §624.155	Cap

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
GA	No	No	Ga. Code. Ann. §33-6-34	Yes	No	No	Ga. Code. Ann. §33-6-34	No	No	Cap

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
HI	Yes	Yes	Haw.Rev.Stat. Ann. §431:13-103(a)(10)	Yes	No	Yes	Haw.Rev.Stat. Ann. §431:13-103(a)(10)	Yes	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
IA	Yes	Yes	Ia.Code §507B.4(9)	Yes	No	Yes	Ia.Code §507B.4(9)	No	Ia.Code §516.1	Yes
ID	Yes	Yes	Id.Code §41-1329	Yes	Yes	Yes	Id.Code §41-1329	No	No	Yes
IL	No	Yes	215 ILCS 5/155	No	Yes	Yes	215 ILCS 5/155	No	No	Cap

IN	Yes	Yes	Ind. Code §27-4-1-4.5	Yes	Yes	Yes	Ind. Code §27-4-1-4.5	No	No	Yes
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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
KS	No	Yes	Kan. Stat. Ann. §40-2404(a)	No	Yes	Yes	Kan. Stat. Ann. §40-2404(a)	No	No	Cap
KY	Yes	Yes	Ky.Rev.Stat §304-12-230	Yes	Yes	Yes	Ky.Rev.Stat §304-12-230	No	Ky.Rev.Stat §304-12-230	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
LA	Yes	No	La. Rev. Stat. §22:1220	Yes	No	Yes	La. Rev. Stat. §22:1220	Yes	La. Rev. Stat. §22:1220	Cap

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
ME	No	Yes	24 A.M.R.S.A §2436-A	Yes	Yes	Yes	24 A.M.R.S.A §2436-A	No	No	Yes
MD	No	Yes	Md. Ann. Code Art. 41A, §215(1982)	No	Yes	Yes	Md. Ann. Code Art. 41A, §215(1982)	No	No	Yes
MA	Yes	Yes	Mass. Gen. L. Ch. 93A, §9 & Ch. 176D, §3(g)	Yes	Yes	Yes	Mass. Gen. L. Ch. 93A, §9 & Ch. 176D, §3(g)	No	No	Yes
MI	Yes	Yes	M.C.L. §500.2026	Yes	Yes	Yes	M.C.L. §500.2026	Yes	No	Yes
MN	Yes	Yes	Minn. Stat. §72A.201	Yes	Yes	Yes	Minn. Stat. §72A.201	No	No	Yes
MS	Yes	Yes	Miss. Code Ann. §§83-5-45	Yes	Yes	Yes	Miss. Code Ann. §§83-5-45	No	No	Yes

MO	No	Yes	Mo.Rev.Stat. §375.936;375.1000	Yes	No	Yes	Mo.Rev.Stat §375.936;375.1000	No	No	Yes
MT	Yes	Yes	Mont.Code.Ann. §33-18-201	No	No	No	Mont.Code.Ann. §33-18-201	No	Mont.Code.Ann. §33-18-242(3)	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
NB	Yes	Yes	Neb.Rev.Stat. §44-1525(9)	Yes	Yes	Yes	Neb.Rev.Stat. §44-1525(9)	Yes	Neb.Rev.Stat. §44-1525(9)	No
NV	Yes	Yes	Nev.Rev.Stat. §686A.310	No	No	*	Nev.Rev.Stat. §686A.310	No	No	Yes
NH	No	Yes	N.H. Rev.Stat. §417:4(XV)	Yes	*	Yes	N.H. Rev.Stat. §417:4(XV)	Yes	No	No
NJ	Yes	Yes	N.J.Stat. Ann. §17B:30-13.1 and §17:29B-4(9)	Yes	Yes	Yes	N.J.Stat. Ann. §17B:30-13.1 and §17:29B-4(9)	No	No	*
NM	Yes	Yes	N.M. Stat. §59A-16-1	Yes	*	Yes	N.M. Stat. §59A-16-1	No	No	Yes
NY	No	Yes	N.Y. Ins. Law §§40-d 2402(2)	Yes	*	Yes	N.Y. Ins. Law §§40-d 2402(2)	No	No	Yes
NC	Yes	Yes	N.C. Gen. Stat. §58- 54.4(11);§58- 63-1;§58-63- 15(11)	Yes	No	No	N.C. Gen. Stat. §58- 54.4(11);§58- 63-1;§58-63- 15(11)	No	No	Cap
ND	Yes	Yes	N.D. Cent. Code §26.1-04- 03(9)	Yes	*	Yes	N.D. Cent. Code §26.1-04- 03(9)	No	No	Cap

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
OH	Yes	Yes	Ohio Admin.Code §3901-1-07	Yes	No	Yes	Ohio Admin.Code §3901-1-07	No	Ohio Admin.Code §3901-1-07	No
OK	Yes	Yes	Okla. Stat. §1250.1	Yes	No	Yes	Okla. Stat §1250.1	No	No	Cap

OR	No	Yes	Or. Rev. Stat. §746.230	Yes	Yes	Yes	Or. Rev. Stat. §746.230	No	No	Yes
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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
PA	No	Yes	73 P.S. §201-1; §42 P.S. §8371	Yes	Yes	Yes	73 P.S. §201-1; §42 P.S. §8371	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
RI	Yes	Yes	R.I. St § 29-9.1-48	Yes	No	Yes	R.I. St § 9-1-33	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
SC	Yes	Yes	S.C. Code Ann. §30-37-110	Yes	Yes	Yes	S.C. Code Ann. §30-37-110	No	No	Yes
SD	Yes	Yes	S.D. St. §48-33-67(2)(1980)	Yes	Yes	Yes	S.D. St. §48-33-67(2)(1980)	*	*	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
TN	No	Yes	Tenn. Code. Ann. §56-8-104(8)	Yes	No	No	Tenn. Code. Ann. 56-7-106	No	No	Yes
TX	Yes	No	Tex. Ins. Code. Ann. §21.21-2; Tex. Bus. & Com. Code §17.46	Yes	Yes	Yes	Tex. Ins. Code. Ann. §21.21-2; Tex. Bus. & Com. Code §17.46	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
UT	No	Yes	U.C. 31 19-26-303 <i>et seq.</i>	Yes	Yes	Yes	U.C. 31 19-26-303 <i>et seq.</i>	No	No	Yes

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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
VT	Yes	Yes	Vt. Stat. Ann §4724(a)(1970)	Yes	*	Yes	Vt. Stat. Ann §4724(a)(1970)	No	No	Yes
VA	No	Yes	Va. Code §38.1-52.9(1950)	*	Yes	Yes	Va. Code §38.1-52.9(1950)	No	No	Cap



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	Tort	Contract	Statute/UCPA	Tort	Contract	Assign	Statute	Tort	Statute	
WA	Yes	No	Wash. Admin. Code §234-30-300	Yes	Yes	Yes	Wash. Admin. Code §234-30-300	No	No	Cap
WV	Yes	Yes	W. Va. Code §33-11-4	Yes	No	Yes	W. Va. Code §33-11-4	No	W. Va. Code §33-11-4	Yes
WI	Yes	Yes	Wis. Admin. Code sec Ins. §6.11(3); Wis. Stat. Ann. §628.34	No	No	Yes	Wis. Admin. Code sec Ins. §6.11(3); Wis. Stat. Ann. §628.34	No	No	Yes
WY	Yes	Yes	Wyo. Stat. §§26-13-101	Yes	*	Yes	Wyo. Stat. §§26-13-101	No	No	Yes

Source: Zurich - <http://www.zreclaim.com/badfaith/statew.asp>