

~~(B) (1) AT LEAST 30 DAYS BEFORE FILING AN ACTION UNDER THIS SECTION, AN INSURED SHALL SEND WRITTEN NOTICE TO THE INSURER OF THE INSURED'S INTENT TO FILE THE ACTION;~~

~~(2) THE NOTICE SHALL INCLUDE AN OFFER TO SETTLE THE INSURED'S CLAIM AGAINST THE INSURER AND STATE THE AMOUNT OF THE SETTLEMENT OFFER;~~

(D) THIS SECTION APPLIES ONLY IN A CIVIL ACTION:

(1) (I) TO DETERMINE THE COVERAGE THAT EXISTS UNDER THE INSURER'S INSURANCE POLICY; OR

(II) TO DETERMINE THE EXTENT TO WHICH THE INSURED IS ENTITLED TO RECEIVE PAYMENT FROM THE INSURER FOR A COVERED LOSS;

(2) THAT ALLEGES THAT THE INSURER FAILED TO ACT IN GOOD FAITH; AND

(3) THAT SEEKS, IN ADDITION TO THE ACTUAL DAMAGES UNDER THE POLICY, TO RECOVER EXPENSES AND LITIGATION COSTS, AND INTEREST ON THOSE EXPENSES OR COSTS, UNDER SUBSECTION (E) OF THIS SECTION.

~~(B) (E)~~ (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE COURT TRIER OF FACT IN AN ACTION UNDER THIS SECTION FINDS IN FAVOR OF THE INSURED AND FINDS THAT THE INSURER ~~FAILED TO ACT IN GOOD FAITH~~ ACTED IN BAD FAITH ~~FAILED TO ACT IN GOOD FAITH~~, THE INSURED MAY RECOVER FROM THE INSURER:

(1) ACTUAL DAMAGES, WHICH MAY NOT EXCEED THE COVERAGE THAT EXISTS UNDER THE INSURER'S POLICY ACTUAL DAMAGES MAY NOT EXCEED THE LIMITS OF THE APPLICABLE POLICY;

(2) NONECONOMIC DAMAGES;

(3) CONSEQUENTIAL DAMAGES;

(1)(4) EXPENSES AND LITIGATION COSTS INCURRED BY THE INSURED IN AN ACTION UNDER THIS SECTION OR UNDER § 27-1001 OF THE INSURANCE ARTICLE OR BOTH, INCLUDING REASONABLE ATTORNEY'S FEES; AND