ENROLLED SENATE
BILL NO. 1060

By: Brown of the Senate

and

Grau of the House

An Act relating to insurance fraud; amending 36 O.S. 2011, Section 363, which relates to notification of suspected fraud; requiring insurers to notify the Workers' Compensation and Insurance Fraud Unit of the Office of the Attorney General of suspected insurance fraud; and declaring an emergency.

SUBJECT: Insurance fraud

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 36 O.S. 2011, Section 363, is amended to read as follows:

Section 363. A. Any insurer who has reason to believe that a person or entity has engaged in or is engaging in an act or practice that violates any statute or administrative rule of this state related to insurance fraud shall immediately notify the Anti-Fraud Unit of the Insurance Department <u>and, in the case of an allegation of claimant fraud, the Workers' Compensation and Insurance Fraud Unit of the Office of the Attorney General</u>.

B. In the absence of fraud, bad faith, reckless disregard for the truth, or actual malice, no person, insurer, or agent of an insurer shall be liable for damages in a civil action or subject to criminal prosecution for supplying information about suspected insurance fraud to the Anti-Fraud Division of the Insurance Department<u>, the Workers' Compensation and Insurance Fraud Unit of the Office of the Attorney General</u> or any other agency involved in the investigation or prosecution of suspected insurance fraud. The immunity provided in this subsection shall not extend to any person,

insurer, or agent of an insurer for communications or publications about suspected insurance fraud to any other person or entity.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 13th day of March, 2012.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2012.

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Presiding Officer of the House
of Representatives