

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 As Amended

4 SENATE BILL NO. 1060

5 By: Brown of the Senate

6 and

7 Grau of the House

8 An Act relating to insurance fraud; amending 36 O.S.  
9 2011, Section 363, which relates to notification of  
10 suspected fraud; requiring insurers to notify the  
11 Workers' Compensation and Insurance Fraud Unit of the  
12 Office of the Attorney General of suspected insurance  
13 fraud; and declaring an emergency.

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

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

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

24 B. In the absence of fraud, bad faith, reckless disregard for  
the truth, or actual malice, no person, insurer, or agent of an

1 insurer shall be liable for damages in a civil action or subject to  
2 criminal prosecution for supplying information about suspected  
3 insurance fraud to the Anti-Fraud Division of the Insurance  
4 Department, the Workers' Compensation and Insurance Fraud Unit of  
5 the Office of the Attorney General or any other agency involved in  
6 the investigation or prosecution of suspected insurance fraud. The  
7 immunity provided in this subsection shall not extend to any person,  
8 insurer, or agent of an insurer for communications or publications  
9 about suspected insurance fraud to any other person or entity.

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

14 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated  
15 2-23-12 - DO PASS, As Amended and Coauthored.  
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