

1 **SENATE FLOOR VERSION**

2 February 18, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 8

By: Coates of the Senate

and

Grau of the House

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7  
8 **[ insurance - Anti-Fraud Unit of the Insurance**  
9 **Department - effective date ]**

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

12 SECTION 1. AMENDATORY 36 O.S. 2011, Section 361, as  
13 amended by Section 4, Chapter 235, O.S.L. 2012 (36 O.S. Supp. 2012,  
14 Section 361), is amended to read as follows:

15 Section 361.

16 A. There is hereby created within the Insurance Department,  
17 under the control and direction of the Insurance Commissioner, an  
18 "Anti-Fraud Unit" within the Legal and Investigation Division of the  
19 Insurance Department.

20 B. Violations of any statute or administrative rule of this  
21 state pertaining to insurance fraud or pertaining to any insurance  
22 product or insurance organization that has been used as an  
23 instrument of criminal activity may be investigated by the Anti-  
24 Fraud Unit. Whenever the Unit determines that a violation of any

1 criminal law of this state may have occurred, it may refer the  
2 matter to the Oklahoma State Bureau of Investigation for further  
3 investigation pursuant to Section 150.5 of Title 74 of the Oklahoma  
4 Statutes or the Attorney General pursuant to Section 18b of Title 74  
5 of the Oklahoma Statutes. The Insurance Department shall retain the  
6 authority to initiate and prosecute any civil action it deems  
7 necessary or advisable.

8 C. The Anti-Fraud Unit may employ investigators who may be  
9 commissioned by the Insurance Commissioner to serve as peace  
10 officers, as defined by and pursuant to the guidelines and  
11 requirements of Section 3311 of Title 70 of the Oklahoma Statutes  
12 and Sections 99 and 99a of Title 21 of the Oklahoma Statutes.

13 D. Investigators employed pursuant to subsection C of this  
14 section shall be prohibited from operating specialized motor  
15 vehicles that are equipped and marked in a manner that is different  
16 from other motor vehicles of the Department. In addition, such  
17 investigators may possess a firearm such as a pistol or other  
18 handgun in performing the duties of the Department. This subsection  
19 shall not be construed to prohibit the investigators from working  
20 with other local or state law enforcement.

21 E. Records, documents, reports and evidence obtained or created  
22 by the Anti-Fraud Unit as a result of an inquiry or investigation of  
23 any suspected insurance related crime shall be confidential and  
24 shall not be subject to the Oklahoma Open Records Act or to outside

1 review or release by any individual. Information and records shall  
2 be disclosed upon request to officers and agents of federal, state,  
3 county, or municipal law enforcement agencies, to the Oklahoma State  
4 Bureau of Investigation, to the Attorney General's office and to  
5 district attorneys, in the furtherance of criminal investigations.

6 SECTION 2. This act shall become effective November 1, 2013.

7 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
8 February 18, 2013 - DO PASS AS AMENDED  
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