

1-1 By: Wentworth S.B. No. 918
1-2 (In the Senate - Filed February 24, 2011; March 8, 2011,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 15, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 15, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to immunity for reporting insurance fraud.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (a), Section 701.052, Insurance Code,
1-11 is amended to read as follows:

1-12 (a) A person is not liable in a civil action, including an
1-13 action for libel or slander, and a civil action may not be brought
1-14 against the person, for furnishing information relating to a
1-15 suspected, anticipated, or completed fraudulent insurance act if
1-16 the information is provided to:

1-17 (1) an authorized governmental agency or the
1-18 department;

1-19 (2) a law enforcement officer or an agent or employee
1-20 of the officer;

1-21 (3) the National Association of Insurance
1-22 Commissioners or an employee of the association;

1-23 (4) a state or federal governmental agency established
1-24 to detect and prevent fraudulent insurance acts or to regulate the
1-25 business of insurance or an employee of the agency; ~~or~~

1-26 (5) a special investigative unit of an insurer,
1-27 including a person who contracts to provide special investigative
1-28 unit services to the insurer or an employee of the insurer who is
1-29 responsible for the investigation of suspected fraudulent
1-30 insurance acts; or

1-31 (6) an organization described by Section 701.051(c),
1-32 if the person is a member of the organization and:

1-33 (A) the person has reported the information as
1-34 required by Section 701.051(a); or

1-35 (B) the organization has reported the
1-36 information to the insurance fraud unit as required by Section
1-37 701.051(c) on behalf of the person and in a manner that fully
1-38 complies with the person's obligations under Section 701.051(a).

1-39 SECTION 2. The change in law made by this Act applies only
1-40 to the furnishing of information described by Subsection (a),
1-41 Section 701.052, Insurance Code, as amended by this Act, on or after
1-42 the effective date of this Act. The furnishing of information
1-43 before the effective date of this Act is governed by the law in
1-44 effect immediately before the effective date of this Act, and that
1-45 law is continued in effect for that purpose.

1-46 SECTION 3. This Act takes effect September 1, 2011.

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