SENATE BILL NO. 36

INTRODUCED BY HOFMAN

IN THE SENATE

JANUARY 2, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.

FIRST READING.

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

JANUARY 10, 1989

PRINTING REPORT.

JANUARY 12, 1989

SECOND READING, DO PASS AS AMENDED.

TAMIIADV 14 1090 MUTDD DEADING DACCE

JANUARY 13, 1989

JANUARY 14, 1989 THIRD READING, PASSED. AYES, 46; NOES, 0.

TRANSMITTED TO HOUSE.

ENGROSSING REPORT.

IN THE HOUSE

JANUARY 14, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

MARCH 2, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 4, 1989 SECOND READING, CONCURRED IN.

MARCH 6, 1989 THIRD READING, CONCURRED IN. AYES, 83; NOES, 8.

RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	SENATE BILL NO. 36
2	INTRODUCED BY HOFMAN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
5	INSURANCE DEPARTMENT AS A CRIMINAL JUSTICE AGENCY; PROVIDING
6	IMMUNITY FROM SUIT FOR PERSONS CONDUCTING AN OFFICIAL
7	INVESTIGATION OF ALLEGED INSURANCE OR REINSURANCE FRAUD AND
8	PERSONS DISSEMINATING INFORMATION RELATED TO THE
9	INVESTIGATION; AMENDING SECTION 33-1-311, MCA; AND PROVIDING
.0	AN IMMEDIATE EFFECTIVE DATE."
.1	
L 2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.3	Section 1. Section 33-1-311, MCA, is amended to read:
14	*33-1-311. General powers and duties. (1) The
14 15	*33-1-311. General powers and duties. (1) The commissioner shall enforce the provisions of this code and
	- , ,
15	commissioner shall enforce the provisions of this code and
15 16	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code.
15 16 17	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code. (2) The commissioner shall have the powers and
15 16 17 18	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code. (2) The commissioner shall have the powers and authority expressly conferred upon him by or reasonably
15 16 17 18	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code. (2) The commissioner shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of this code.
15 16 17 18 19	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code. (2) The commissioner shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of this code. (3) The commissioner may conduct such examinations and
15 16 17 18 19 20	commissioner shall enforce the provisions of this code and shall execute the duties imposed upon him by this code. (2) The commissioner shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of this code. (3) The commissioner may conduct such examinations and investigations of insurance matters, in addition to

in the lawful administration of any such provision.

1	cost of such additional examinations and investigations
2	shall be borne by the state.
3	(4) The commissioner shall have such additional powers
4	and duties as may be provided by other laws of this state.
5	(5) The department is a criminal justice agency as
6	defined in 44-5-103."
7	Section 2. Fraud investigation and report
8	immunity. (1) A person or his employee or agent, if he acts
9	without malice, is immune from suit for acts or omissions
10	associated with furnishing to the commissioner, under the
11	requirements of law or at the direction of the commissioner,
12	reports or other information relating to any known or
13	suspected fraudulent insurance or reinsurance transaction.
14	(2) The commissioner or an employee, agent, or
15	designee of the commissioner, if he acts without malice, is
16	immune from suit for damages arising from his lawful
17	discharge of an official duty associated with an
18	investigation of an allegedly fraudulent insurance or
19	reinsurance transaction or the publication or dissemination
20	of an official report related to an official investigation
21	of insurance or reinsurance fraud.
22	Section 3. Extension of authority. Any existing

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Section 4. Codification instruction. [Section 2] is

Section 3. Extension of authority. Any existing

authority to make rules on the subject of the provisions of

[this act] is extended to the provisions of [this act].

- 1 intended to be codified as an integral part of Title 33,
- 2 chapter 1, part 3, and the provisions of Title 33, chapter
- 3 1, part 3, apply to [section 2].
- 4 Section 5. Two-thirds vote required. Since [section 2]
- 5 limits governmental liability, Article II, section 18, of
- 6 the Montana constitution requires a vote of two-thirds of
- 7 the members of each house for passage.
- 8 Section 6. Effective date. [This act] is effective on
- 9 passage and approval.

-End-

LC 0303/01

APPROVED BY COMM. ON BUSINESS & INDUSTRY

	
2	INTRODUCED BY HOFMAN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
5	INSURANCE DEPARTMENT AS A CRIMINAL JUSTICE AGENCY; PROVIDING
6	IMMUNITY FROM SUIT FOR PERSONS CONDUCTING AN OFFICIAL
7	INVESTIGATION OF ALLEGED INSURANCE OR REINSURANCE FRAUD AND
8	PERSONS DISSEMINATING INFORMATION RELATED TO THE
9	INVESTIGATION; AMENDING SECTION 33-1-311, MCA; AND PROVIDING
10	AN IMMEDIATE EFFECTIVE DATE."

SENATE BILL NO. 36

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-1-311, MCA, is amended to read:

"33-1-311. General powers and duties. (1) The

commissioner shall enforce the provisions of this code and

shall execute the duties imposed upon him by this code.

- (2) The commissioner shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of this code.
- (3) The commissioner may conduct such examinations and investigations of insurance matters, in addition to examinations and investigations expressly authorized, as he may deem proper to determine whether any person has violated any provision of this code or to secure information useful in the lawful administration of any such provision. The

- cost of such additional examinations and investigations
 shall be borne by the state.
- 3 (4) The commissioner shall have such additional powers4 and duties as may be provided by other laws of this state.
- 5 (5) The department is a criminal justice agency as 6 defined in 44-5-103."
 - Section 2. Fraud -- investigation and report -immunity. (1) A person or his employee or agent, if he acts
 without malice, is immune from suit for acts or omissions
 associated with furnishing to the commissioner, under the
 requirements of law or at the direction of the commissioner,
 reports or other information relating to any known or
 suspected fraudulent insurance or reinsurance transaction.
 - (2) The commissioner or an employee, agent, or designee of the commissioner, if he acts without malice, is immune from suit for damages arising from his lawful discharge of an official duty associated with an investigation of an allegedly fraudulent insurance or reinsurance transaction or the publication or dissemination of an official report related to an official investigation of insurance or reinsurance fraud.
- Section 3. Extension of authority. Any existing
 authority to make rules on the subject of the provisions of
 [this act] is extended to the provisions of [this act].
 - Section 4. Codification instruction. [Section 2] is

- intended to be codified as an integral part of Title 33,
- 2 chapter 1, part 3, and the provisions of Title 33, chapter
- 3 1, part 3, apply to [section 2].
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- 5 limits governmental liability, Article II, section 18, of
- 6 the Montana constitution requires a vote of two-thirds of
- 7 the members of each house for passage.
- 8 Section 6. Effective date. [This act] is effective on
- 9 passage and approval.

-End-

SB 0036/02

51st Legislature

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SB 0036/02

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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
5	INSURANCE DEPARTMENT AS A CRIMINAL JUSTICE AGENCY; PROVIDING
6	#MMUNITYPROMSUITPORPERSONSCONDUCTINGANOFFICIAL
7	INVESTIGATION-OF-ALLEGED-INSURANCE-OR-REINSURANCE-PRAUDAND
8	PersonsDisseminatingInformationRelatedToThe
9	investigation; amending section 33-1-311, MCA; and PROVIDING
10	AN IMMEDIATE EFFECTIVE DATE."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 33-1-311, MCA, is amended to read:
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examinations and investigations expressly authorized, as he

may deem proper to determine whether any person has violated

any provision of this code or to secure information useful

in the lawful administration of any such provision.

(3) The commissioner may conduct such examinations and

(2) The commissioner

implied from the provisions of this code.

SENATE BILL NO. 36

INTRODUCED BY HOFMAN

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all be borne by the state. (4) The commissioner shall have such additional powers nd duties as may be provided by other laws of this state. (5) The department is a criminal justice agency as fined in 44-5-103." NEW-SECTION .-- Section 2 .-- Fraud -- -- investigation -- and port-----immunity:-{1}-A-person-or-his-employee-or-agent; -he-acts-without-malice;-is-immune-from-suit-for--acts--or missions--associated--with--furnishing-to-the-commissioner, nder-the-requirements-of-law-or-at--the--direction--of--the maissioner,--reports--or-other-information-relating-to-any nown--or--suspected--fraudulent--insurance--or--reinsurance ransaction-+21--The---commissioner---or--an--employee7--agenty--or esignee-of-the-commissioner;-if-he-acts-without-malice;--is mmune--from--suit--for--damages--arising--from--his--lawful ischarge--of--an---official---duty---associated---with---an nvestigation---of--an--allegedly--fraudulent--insurance--or einsurance-transaction-or-the-publication-or--dissemination f--an--official-report-related-to-an-official-investigation f-insurance-or-reinsurance-fraud-NEW SECTION. Section 2. Extension of authority. Any

existing authority to make rules on the subject of the

provisions of {this act} is extended to the provisions of

-2-

cost of such additional examinations and investigations

shall have the powers and

•	inia acci.
2	NEW-SECTION: Section 4 Codification instruction
3	{Section-2}-is-intended-to-be-codified-as-anintegralpar
4	ofTitle-337-chapter-17-part-37-and-the-provisions-of-Titl
5	33,-chapter-1,-part-3,-apply-to-{section-2};
5	NEW-SECTION: Scotion-5 Two-thirds vote required
7	Since-{section-2}-limits-governmental-liability-Article-II
8	section107of-the-Montana-constitution-requires-a-vote-o
9	two-thirds-of-the-members-of-each-house-for-passage.
D	NEW SECTION. Section 3. Effective date. [This act] i
1	effective on passage and approval.

-End-

SB 0036/02

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18	authority expressly conferred upon him by or reasonably
19	implied from the provisions of this code.
20	(1) The commissioner may conduct such examinations and
21,	investigations of insurance matters, in addition to
22	examinations and investigations expressly authorized, as he
23	may deem proper to determine whether any person has violated

any provision of this code or to secure information useful

in the lawful administration of any such provision. The

51st Legislature

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3	(4) The commissioner shall have such additional powers
4	and duties as may be provided by other laws of this state.
5	(5) The department is a criminal justice agency as
6	<u>defined in 44-5-103.</u> "
7	NEW-SECTION Section 2 Praud investigation and
8	reportimmunity:-(1)-A-person-or-his-employee-or-agent;
9	if-he-acts-without-malice;-is-immune-from-suit-foractsor
10	omissionsassociatedwithfurnishing-to-the-commissioner,
11	under-the-requirements-of-law-or-atthedirectionofthe
12	commissioner;reportsor-other-information-relating-to-any
13	knownorsuspectedfraudulentinsuranceorreinsurance
14	transaction.
15	<pre>+2)Thecommissioneroranemployee;agent;or</pre>
16	designee-of-the-commissioner;-if-he-acts-without-malice;is
17	immunefromsuitfordamagesarisingfromhislawful
18	dischargeofanofficialdutyassociatedwithan
19	investigationofanallegedlyfraudulentinsuranceor
20	reinsurance-transaction-or-the-publication-ordissemination
21	ofanofficial-report-related-to-an-official-investigation
22	of-insurance-or-reinsurance-fraud-
23	NEW SECTION. Section 2. Extension of authority. Any
24	existing authority to make rules on the subject of the

shall be borne by the state.

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SB 0036/02

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33;-chapter-1;-part-3;-apply-to-[section-2];
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Since-{section-2}-limits-governmental-liability;-Article-II
section18,of-the-Montana-constitution-requires-a-vote-
two-thirds-of-the-members-of-each-house-for-passage:
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-End-

SB 36