



Guide to Immunity Laws

For reporting insurance fraud



Coalition Against
Insurance Fraud

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INTRODUCTION

Immunity laws are vitally important in the battle against insurance fraud. By its very nature, deception lurks in the shadows. Scammers and criminals turn to insurance fraud because they believe their chances of being caught are minimal. Sadly, they are often correct. State departments of insurance, attorneys general, and law enforcement cannot do their part to protect consumers unless they are apprised of fraudulent acts and those who may be committing them. Doing so requires insurers to cooperate. Insurers may also inadvertently contribute to fraud by being unduly fearful of reporting suspected actions if they can be held liable for doing so, even when they have a good faith basis to believe fraud is occurring. These are the reasons why immunity laws exist and are crucial in fighting insurance fraud.

Perhaps nothing symbolizes more the importance of the Coalition Against Insurance Fraud than these issues and the immunity laws outlined in this publication. Protecting consumers from the cost and damage of insurance fraud is our mission. Doing so requires keeping all stakeholders involved...consumers, insurers, and government officials. Immunity laws exist because of the leadership of legislators and regulators across our nation who make sure their states encourage and require fraud reporting. Insurers licensed in those states benefit from immunity protections but must fulfill their duty to timely and accurately report suspected fraud. Attorneys general, district attorneys, and law enforcement are charged with prosecuting insurance crimes. When done properly, these efforts combine to protect consumers.

The Coalition is proud to provide our members with this resource which compiles all our nation's insurance fraud immunity laws in one location. This guide has been, and remains, one of our most sought after and utilized member service guides. We acknowledge with thanks the work of our Coalition Legal Affairs Committee member law firms in doing the national research required to update and provide you this vital information. We trust you will find this information helpful in your work to help in the fight against insurance fraud.

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ALABAMA

IMMUNITY SEC. 27-12A-22

(a) Except as otherwise provided in subsection (b), there shall be no civil liability imposed on and no cause of action shall arise against a person for furnishing or receiving information concerning suspected, anticipated, or completed insurance fraud. This shall not abrogate or modify common law or statutory privileges or immunities enjoyed by a person, and the limit on civil liability applies only to the act of reporting and does not limit civil liability against a person for committing fraud or other tortuous conduct. (b) Subsection (a) shall not apply to false statements made with actual malice by a person furnishing or receiving information concerning suspected, anticipated, or completed insurance fraud. In any action brought against a person for filing a report or furnishing other information concerning insurance fraud, the party bringing the action shall plead specifically any allegations that subsection (a) shall not apply because the person filing the report or furnishing the information did so with actual malice.

ALASKA

IMMUNITY SEC. 21.36.365

(a) A person is not liable for civil damages for filing a report with or furnishing other information whether written or oral, concerning suspected, anticipated, or completed fraudulent acts to (1) law enforcement officials, their agents, and employees; (2) the National Association of Insurance Commissioners, the division of insurance, an agency in a state that regulates insurance, or an organization established to detect and prevent fraudulent insurance acts, their agents, employees, or designees; (3) a person involved in the prevention and detection of fraudulent insurance acts or that person's employees, agents, or representatives. (b) This section does not preclude liability for civil damages as a result of reckless, wilful, or intentional misconduct.

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ARIZONA

IMMUNITY SEC. 21.36.365

B. A person who acts without malice, fraudulent intent or bad faith is not subject to liability for filing reports or furnishing orally or in writing other information concerning suspected, anticipated or completed fraudulent insurance acts if the reports or information is provided to or received from: 1. The director or the department. 2. Law enforcement officials and their agents and employees. 3. The national association of insurance commissioners, other state insurance departments, a federal or state agency or bureau established to detect and prevent fraudulent insurance acts, and the agency's or bureau's agents, employees or designees, or an organization established by insurers to assist in the detection and prevention of fraudulent insurance acts, and the organization's agents, employees or designees. C. A person, or an officer, employee or agent of the person acting within the scope of employment or agency of that officer, employee or agent, identified under subsection B, paragraph 1, 2 or 3 when performing authorized activities without malice, fraudulent intent or bad faith is not subject to civil liability for libel, slander or another relevant tort. No civil cause of action may be brought against the person or entity. D. A person or entity under subsection B or C is entitled to an award of attorney fees and costs if the person or entity is a prevailing party in a civil cause of action for libel, slander or other relevant tort and the action is not substantially justified. For purposes of this subsection, "substantially justified" means a proceeding that has a reasonable basis in law or fact at the time that it is initiated. E. Nothing in this section limits any common law right of the person or entity. F. Nothing in this section is intended to prohibit contact or communication with clients or patients for any lawful purpose, including communication by and between insurers, the insurers' policyholders and claimants under policies issued to the insurers' policyholders regarding the investigation or settlement of any claim.

ARKANSAS

IMMUNITY A.C.A. § 23-60-111; A.C.A. 23-66-506

(a) In the absence of fraud or bad faith, no civil cause of action of any nature shall arise against the person for supplying any information: (1) Relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials or their agents and employees; (2) Relating to suspected fraudulent insurance acts furnished to or received from other

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persons subject to the provisions of the insurance laws of this state; or (3) Furnished in reports to the State Insurance Department, National Association of Insurance Commissioners, or any organization established to detect and prevent fraudulent insurance acts or their agents, employees, or designees. (b) Neither the Insurance Commissioner nor any employee of the department, in the absence of fraud or bad faith, shall be subject to civil liability, and no civil cause of action of any nature shall arise against the person by virtue of the publication of any report or bulletin related to the official activities of the department. (c) Nothing in this section is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.***(a) There shall be no civil liability for libel, slander, or any other cause of action imposed on, and no cause of action shall arise from a person's furnishing information concerning suspected, anticipated, or completed fraudulent insurance acts, if the information is provided to or received from: (1) The Insurance Commissioner or the commissioner's employees, agents, or representatives; (2) Federal, state, or local law enforcement or regulatory officials or their employees, agents, or representatives; (3) A person employed by or authorized by an insurer whose activities include the investigation or reporting of suspected fraudulent insurance acts when furnishing, disclosing, or requesting information on such suspected fraudulent insurance acts to or from a person employed by or authorized by other insurers or insurer organizations acting in the same capacity; or (4) The National Association of Insurance Commissioners or its employees, agents, or representatives. (b) Subsection (a) of this section shall not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent insurance act, the party bringing the action shall plead specifically any allegation that subsection (a) of this section does not apply because the person filing the report or furnishing the information did so with actual malice. (c) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in subsection (a) of this section.

CALIFORNIA

IMMUNITY INSURANCE CODE § 1873.2.

In the absence of fraud or malice, no insurer, or any employee or agent authorized by an insurer to act on behalf of the insurer, and no authorized governmental agency or its respective employees, shall be subject to any civil liability for libel, slander, or any other relevant cause of action by virtue of releasing or receiving any information pursuant to Section 1873 or 1873.1.

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Nothing in this article is intended to, nor does in any way or manner, abrogate or lessen the existing common law or statutory privileges and immunities of an insurer, or any employee or agent authorized by the insurer to act on behalf of the insurer, or of any authorized governmental agency or its respective employees. ***No insurer, or the employees or agents of any insurer, shall be subject to civil liability for libel, slander, or any other relevant tort cause of action by virtue of providing any of the following without malice: (a) Any information or reports relating to suspected fraudulent insurance transaction furnished to law enforcement officials, or licensing officials governed by the Business and Professions Code. (b) Any reports or information relating to suspected fraudulent insurance transaction furnished to other persons subject to this chapter. (c) Any information or reports required by this article or required by the commissioner under the authority granted in this chapter.

COLORADO

IMMUNITY C.R.S.A. § 10-1-128; C.R.S.A. § 10-4-1005

(4)(a) Each insurance company licensed to do business in this state that, in a lawsuit involving a fraudulent insurance act, obtains a judgment or settlement against a person who is licensed by the state of Colorado and whose services are compensated in whole or in part, directly or indirectly, by insurance claim proceeds shall send notice of such settlement or judgment to the appropriate Colorado state licensing board, in the form prescribed by the executive director of the department of regulatory agencies. No cause of action shall arise against any insurance company or individual for providing information as provided in this subsection (4). (c) Every person who obtains a judgment or settlement involving a fraudulent insurance act by an insurance company or an agent of an insurance company may send to the Colorado division of insurance within the department of regulatory agencies notice of such judgment or settlement, including any evidence of a fraudulent insurance act. No cause of action shall arise against any person for providing information as provided in this subsection (4).***(1) In the case of actions taken under this part 10, and except where information is furnished with knowledge that the information is false or with reckless disregard for its truth or falsity, there may be no civil penalty or damages on the part of, and no claim for relief may be brought against, any person, insurer, or authorized agency or secondary agency for furnishing information or taking other action pursuant to the provisions of this part 10. (2) Every person, insurer, and authorized agency and secondary agency is immune from civil liability when acting in good faith to cooperate with, furnish evidence to or on behalf of,

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provide information to, or solicit or receive information from, any of the following with regard to an actual or suspected fraudulent insurance act: (a) An agency of the federal or any state, county, or municipal government that is involved in the detection, prosecution, or prevention of arson or insurance fraud; (a.5) Any secondary agency; (b) Any employee or agent of an agency listed in subsection (2)(a) or (2)(a.5) of this section; and (c) Another insurer, if acting in accordance with section 10-4-1003 (8)(c) solely for the purpose of detecting, investigating, preventing, or prosecuting an actual or suspected fraudulent insurance act. Information so provided may not be used for underwriting or rating purposes except in connection with an application or policy under which a fraudulent insurance act was committed. (3) Every person, insurer, and authorized agency and secondary agency is immune from civil liability when acting in good faith to comply with a court order to provide evidence or testimony with regard to an actual or suspected fraudulent insurance act; except that such immunity does not apply to a person or insurer that has committed, or has conspired in or aided and abetted the commission of, such fraudulent insurance act. (4) The immunity granted by this section shall be in addition to, and not in lieu of, any right, privilege, or immunity available under the common law or any other applicable statute or rule.

CONNECTICUT

IMMUNITY C.G.S.A. § 38A-318A

(a) Notwithstanding any provision of the general statutes, each insurer authorized to issue policies of liability insurance in the state shall, upon the filing of any claim for damages because of bodily injury or death for a resident of this state, provide notice of such claim to the Commissioner of Administrative Services for the purposes of identifying potential liabilities to the state that the commissioner is authorized to collect pursuant to the general statutes. The content of such notice and the manner of its transmission shall be determined by the department in consultation with the insurers, except that insurers may provide such required notification directly to the commissioner or through a central reporting organization to which the insurer subscribes. (b) The state shall maintain, as confidential, any information obtained, collected, prepared or received pursuant to this section. The state shall not store or maintain any information provided pursuant to this section unless the state identifies the claimant as having a potential liability to the state. (c) The commissioner shall reimburse insurers or central reporting organizations, as applicable, for the reasonable

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documented costs, as determined by the commissioner, incurred for compliance with this section. (d) Each insurer, its directors, agents, and employees and each central reporting organization, its agents and employees, authorized by an insurer to act on its behalf, that provide or attempt to provide data pursuant to the provisions of this section shall be immune from any liability under any law to any person or entity for any alleged or actual damages that occur as a result of providing or attempting to provide data pursuant to this section, provided said damages are not caused by intentional, wilful or wanton misconduct. Compliance with the requirements of this section shall not subject any insurer, its directors, agents, employees and insureds, or any central reporting organization, its agents and employees, authorized by an insurer to act on its behalf, to any claims brought pursuant to sections 38a-816, 38a-975 to 38a-999a, inclusive, or section 42-110b, or any penalty pursuant to section 38a-15. (e) Information provided by or obtained from an insurer or the central reporting organization pursuant to this section shall not be subject to disclosure under section 1-210.

DELAWARE

IMMUNITY 18 DEL. C. § 2409

In the absence of fraud or bad faith, no person shall be subject to civil liability (for libel, slander or any other relevant tort cause of action by virtue of filing reports, without malice, or furnishing other information, written or oral, without malice, required by this chapter or required by the Commissioner under the authority granted in this title), and no civil cause of action of any nature shall arise against such person: (1) For any information relating to suspected fraudulent insurance acts furnished to or received from law-enforcement officials, their agents and employees; or (2) For any information relating to the suspected fraudulent insurance acts furnished to or received from other persons in this title; or (3) For any such information furnished in reports to the Insurance Department, the National Association of Insurance Commissioners or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees, nor shall the Commissioner or any employee of the Insurance Department, (acting without malice) in the absence of fraud or bad faith, be subject to civil liability (for libel, slander or any other relevant tort) and no civil cause of action of any nature shall arise against such person by virtue of publication of any report or bulletin related to the official activities of the Insurance Department. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

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DISTRICT OF COLUMBIA

IMMUNITY DC ST § 22-3225.13

No person shall be subject to civil liability or criminal prosecution for reporting any suspected insurance fraud if: (1) The report was made to: (A) The Department of Insurance, Securities, and Banking, the Metropolitan Police Department, or any other law enforcement authority; or (B) Any insurer, insurance agent, or other person who collects, reviews, or analyzes information concerning insurance fraud; and (2) The person or entity reporting the suspected fraud acted without malice when making the report.

FLORIDA

IMMUNITY WEST'S F.S.A. § 626.989

4) (c) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the department or division under the authority granted in this section, and no civil cause of action of any nature shall arise against such person: 1. For any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents, or employees; 2. For any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this chapter; or 3. For any such information furnished in reports to the department, division, the National Insurance Crime Bureau, or the National Association of Insurance Commissioners. (d) In addition to the immunity granted in paragraph (c), persons identified as designated employees whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts may share information relating to persons suspected of committing fraudulent insurance acts with other designated employees employed by the same or other insurers whose responsibilities include the investigation and disposition of claims relating to fraudulent insurance acts, provided the department has been given written notice of the names and job titles of such designated employees prior to such designated employees sharing information. Unless the designated employees of the insurer act in bad faith or in reckless disregard for the rights of any insured, neither the insurer nor its designated employees are civilly liable for libel, slander, or any other relevant tort, and a civil action does not arise against the insurer or its designated employees: 1. For any information related to suspected fraudulent insurance acts provided to an insurer; or 2. For any information relating to suspected fraudulent insurance acts provided

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to the National Insurance Crime Bureau or the National Association of Insurance Commissioners. Provided, however, that the qualified immunity against civil liability conferred on any insurer or its designated employees shall be forfeited with respect to the exchange or publication of any defamatory information with third persons not expressly authorized by this paragraph to share in such information. (e) The Insurance Commissioner and any employee or agent of the department or division, when acting without malice and in the absence of fraud or bad faith, is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature exists against such person by virtue of the execution of official activities or duties of the department under this section or by virtue of the publication of any report or bulletin related to the official activities or duties of the department or division under this section. (f) This section does not abrogate or modify in any way any common-law or statutory privilege or immunity heretofore enjoyed by any person.

GEORGIA

IMMUNITY GA. CODE ANN., § 33-39-22; § 33-1-16

No cause of action in the nature of defamation, invasion of privacy, or negligence shall arise against any person for disclosing personal or privileged information in accordance with this chapter, nor shall such a cause of action arise against any person for furnishing personal or privileged information to an insurance institution, agent, or insurance-support organization; provided, however, this Code section shall provide no immunity for disclosing or furnishing false information with malice or willful intent to injure any person.***(3) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this Code section or required by the Commissioner under the authority granted in this Code section, and no civil cause of action of any nature shall arise against such person: (A) For any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents, or employees; (B) For any such information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this title; or (C) For any such information furnished in reports to the Commissioner or the National Association of Insurance Commissioners. (4) The Commissioner or any employee or agent is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature exists against such persons by virtue of the execution of activities or duties of the

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Commissioner under this Code section or by virtue of the publication of any report or bulletin related to the activities or duties of the Commissioner under this Code section. (5) This Code section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

HAWAII

IMMUNITY HRS § 431:2-301.8

(a) No cause of action shall arise nor shall any liability be imposed against any examiner appointed or otherwise designated as an examiner by the commissioner for any statements made or conduct performed in good faith while carrying out the provisions of the insurance code. (b) No cause of action shall arise, nor shall any liability be imposed against any person, for the act of communicating or delivering information or data to the commissioner or the commissioner's authorized representative or examiner pursuant to an examination made under the insurance code, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. (c) This section does not abrogate nor modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person identified in subsection (a). (d) A person identified in subsection (a) shall be entitled to an award of attorneys' fees and costs if the person is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities in carrying out the insurance code, and the party bringing action is not substantially justified to do so. For the purposes of this section, a proceeding is substantially justified if it has a reasonable basis in law or fact at the time that it is initiated.

IDAHO

IMMUNITY I.C. § 41-292*

(1) The director of the department of insurance, state fire marshal or any authorized agency may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency, director or state fire marshal which the company may have in its possession, relating to the loss in question. Relevant information may include, without limitation herein: (a) Pertinent insurance policy information relevant to a loss under investigation and any application for such a policy; (b) Policy premium payment records

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which are available; (c) History of previous claims made by the insured; (d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence relevant to the investigation. (2) (a) When an insurance company has facts to support a belief that a loss in which it has an interest may be of other than accidental cause, then, for the purpose of notification and for having such loss investigated, the company shall, in writing, notify the director of the department of insurance, or the state fire marshal, and provide any or all material developed from the company's inquiry into the loss. (b) When an insurance company provides the director of the department of insurance or the state fire marshal with notice of a loss, it shall be sufficient notice for the purpose of this chapter. (c) Nothing in section 41-292(1), Idaho Code, shall abrogate or impair the rights or powers created under section 41-292(2), Idaho Code. (3) The director of the department of insurance, the state fire marshal or an authorized agency provided with information pursuant to section 41-248, 41-258, 41-290 or 41-292(1) or (2), Idaho Code, and in furtherance of its own purposes, may release or provide such information to any of the other authorized agencies. (4) Any insurance company providing information to an authorized agency or agencies pursuant to section 41-258, 41-290 or 41-292(1) or (2), Idaho Code, shall have the right to request relevant information relative to the loss in question and to receive, within a reasonable time, not to exceed thirty (30) days, the information requested, if the information is not otherwise privileged by law. (5) In the absence of fraud or malice, no person shall be subject to civil liability for libel, slander or any other relevant tort cause of action by virtue of filing reports or furnishing other information required by this chapter or required by the director of the department of insurance under the authority granted in this chapter, and no civil cause of action of any nature shall arise against such person: (a) For any information relating to suspected fraudulent insurance acts furnished to or received from authorized agencies, their agents and employees; or (b) For any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this chapter; or (c) For any such information furnished in reports to the department of insurance, national association of insurance commissioners, national insurance crime bureau or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees, nor shall the director or any employee of the department of insurance, acting without malice in the absence of fraud, be subject to civil liability for libel, slander or any other relevant tort and no civil cause of action of any nature shall arise against such person by virtue of the publication of any report or bulletin related to the official activities of the department of insurance. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person. (6) For purposes of subsection.

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(5) of this section, there shall exist a rebuttable presumption that the person has acted without fraud or malice.

ILLINOIS

IMMUNITY 215 ILCS 5/132.7; 215 ILCS 5/1022

§ 132.7. Immunity from liability. (a) No cause of action shall arise nor shall any liability be imposed against the Director, the Director's authorized representatives, or any examiner appointed by the Director for any statements made or conduct performed in good faith while carrying out the provisions of this Code. (b) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the Director or the Director's authorized representative or examiner in the course of an examination if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. (c) This Section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in subsection (a). (d) Persons identified in subsection (a) shall be entitled to an award of attorney's fees and costs if they are a prevailing party in a civil action for libel, slander, or any other relevant tort arising out of their activities in carrying out the provisions of this Code and the party bringing the action was not substantially justified in doing so. For purposes of this Section a proceeding is "substantially justified" if it has a reasonable basis in law or fact at the time that it was initiated.***No cause of action in the nature of defamation, invasion of privacy or negligence shall arise against any person for disclosing personal or privileged information in accordance with this Article, nor shall such a cause of action arise against any person for furnishing personal or privileged information to an insurance institution, agent or insurance-support organization; provided, however, this Section shall provide no immunity for disclosing or furnishing false information with malice or willful intent to injure any person.

INDIANA

IMMUNITY IC 27-1-3-22

(c) A person who acts without malice, fraudulent intent, or bad faith is not subject to civil liability for filing a report or furnishing, orally or in writing, other information concerning a suspected, anticipated, or completed fraudulent insurance act if the report or other information is provided to or

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received from any of the following: (1) The department or an agent, an employee, or a designee of the department. (2) Law enforcement officials or an agent or employee of a law enforcement official. (3) The National Association of Insurance Commissioners. (4) Any agency or bureau of federal or state government established to detect and prevent fraudulent insurance acts. (5) Any other organization established to detect and prevent fraudulent insurance acts. (6) An agent, an employee, or a designee of an entity referred to in subdivisions (3) through (5). (d) This section does not abrogate or modify in any way any common law or statutory privilege or immunity.

IOWA

IMMUNITY I.C.A. § 507E.7

1. A person acting without malice, fraudulent intent, or bad faith is not liable civilly as a result of filing a report or furnishing, orally or in writing, other information concerning alleged acts in violation of this chapter, if the report or information is provided to or received from any of the following: a. Law enforcement officials, their agents and employees. b. The national association of insurance commissioners, the insurance division, a federal or state governmental agency or bureau established to detect and prevent fraudulent insurance acts, or any other organization established for such purpose, and their agents, employees, or designees. c. An authorized representative of an insurer. 2. This section does not affect in any way any common law or statutory privilege or immunity applicable to such person or entity.

KANSAS

IMMUNITY K.S.A. 40-2,119

In the absence of fraud, bad faith or malice, no person or insurer shall be subject to civil liability for libel, slander or any other relevant cause of action: (a) For filing reports or furnishing other information required by chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or required by the commissioner under the authority granted in chapter 40 of the Kansas Statutes Annotated, and amendments thereto; (b) for any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents and employees; (c) for any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto; (d) for any such information furnished

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in reports to the insurance department, regulatory agencies of any other state, the national association of insurance commissioners or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees; or (e) for the publication of any report or bulletin related to the official activities of the insurance department by the commissioner or any employee of the insurance department. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

KENTUCKY

IMMUNITY KRS § 304.47-060

(1) In the absence of malice, fraud, or gross negligence, a person shall not be subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports or furnishing other information required by this chapter or requested by the division or its authorized representative. No civil cause of action of any nature shall arise against the person: (a) For any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents, or employees; (b) For any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this subtitle, including those designated by KRS 304.47-080; (c) For any information furnished to or received from the Department of Workers' Claims, its agents, or employees; or (d) For any information furnished in reports to the commissioner or the National Association of Insurance Commissioners. (2) The commissioner or any employee or agent of the Department of Insurance shall not be subject to civil liability for libel, slander, or any other relevant tort. No civil cause of action shall exist against these persons by virtue of the execution of official activities or duties of the commissioner or the division or by virtue of the publication of any report or bulletin related to the official activities or duties of the commissioner. (3) This subtitle shall not abrogate or modify any common law or statutory privilege or immunity enjoyed by any person.

LOUISIANA

IMMUNITY LSA-R.S. 22:1928

A. No insurer, employees, or agents of any insurer, or any other person acting without malice, fraudulent intent, or bad faith, shall be subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature shall exist against such person or entity by virtue of the

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filing of reports or furnishing other information, either orally or in writing, concerning suspected, anticipated, or completed fraudulent insurance acts when such reports or information are required by this Part or required by the division of insurance fraud as a result of the authority herein granted or when such reports or information are provided to or received from: (1) Law enforcement officials, their agents, and employees. (2) The National Association of Insurance Commissioners, the state Department of Insurance, a federal or state agency or bureau established to detect and prevent fraudulent insurance acts, as well as any other organization established for the same purpose, their agents, employees, or designees. (3) A person involved in the prevention and detection of fraudulent insurance acts or that person's employees, agents, or representatives. B. This Section does not abrogate or modify in any way any statutory or other privilege or immunity enjoyed by such person or entity. C. Any person or entity covered by the provisions of this Section shall be entitled to an award of attorney fees and costs if they are the prevailing party in a civil suit and the party bringing the action was not substantially justified in doing so. For the purposes of this Section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

MAINE

IMMUNITY 24-A M.R.S.A. § 2187

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings. A. "Action" includes nonaction or the failure to take action. B. "Authorized agency" or "authorized agencies" means: (1) The Attorney General; (2) A district attorney responsible for prosecution in the municipality where the fraud occurred; (3) The Federal Bureau of Investigation, or any other federal agency, only for the purposes of subsection 2; (4) The State Fire Marshal; (5) The Superintendent of Insurance; (6) The Superintendent of Financial Institutions; (7) The United States Attorney's office when authorized or charged with investigation or prosecution of the insurance fraud in question, only for the purposes of subsection 2; (8) The State Police, state law enforcement officials or local law enforcement officials; or (9) The National Association of Insurance Commissioners. C. "Fraudulent insurance act" has the same meaning as in section 2186, subsection 1, paragraph A. D. "Insurer" has the same meaning as in section 2186, subsection 1, paragraph B. 2. Information disclosed. An authorized agency investigating insurance fraud may, in writing, require the insurance company at interest to release to the requesting agency any relevant information or evidence determined to be important to the

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authorized agency that the company may have in its possession relating to the insurance fraud in question. This information includes, but is not limited to: A. A history of previous claims made by the insured; B. Insurance policy information relevant to fraud under investigation and any application for that policy; C. Material relating to the investigation of the loss including statements and proof of loss; and D. Policy premium payment records. 3. Exchange of information. An authorized agency or insurer provided with information pursuant to this section may release or provide that information to any other authorized agency or insurer with an interest in the insurance fraud under investigation. 4. Right to receive upon request. Any insurer providing information to an authorized agency pursuant to this section has the right, upon request, to receive other information relevant to the fraud from that authorized agency within 30 days. 5. Immunity. In the absence of fraud, malice or bad faith, any person, including, but not limited to, an insurer or authorized agency, that furnished information relating to suspected, anticipated or completed fraudulent insurance acts is not liable for any damages in any civil action for furnishing the information if that information is furnished to or received from an authorized agency. Nothing in this subsection is intended to abrogate or modify in any way any common law or statutory privilege or immunity previously enjoyed by any person. 6. Confidentiality. An authorized agency or insurer that receives any information pursuant to this section shall hold it in confidence and may not release the information, except to another authorized agency, until its release is required for a criminal or civil proceeding.

MARYLAND

IMMUNITY MD CODE, INSURANCE, § 27-802

(a)(1) An authorized insurer, its employees, fund producers, insurance producers, a viatical settlement provider, or a viatical settlement broker who in good faith has cause to believe that insurance fraud has been or is being committed shall report the suspected insurance fraud in writing to the Commissioner, the Fraud Division, or the appropriate federal, State, or local law enforcement authorities. (2) An independent insurance producer shall meet the reporting requirement of this subsection by reporting the suspected insurance fraud in writing to the Fraud Division. (3) A registered premium finance company shall meet the requirement of this subsection by reporting suspected insurance fraud in writing to the Fraud Division. (4) A governmental self-insurance group formed in accordance with § 9-404 of the Labor and Employment Article or an employer who self-insures or participates in a self-insurance group in accordance with § 9-405 of the Labor

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and Employment Article shall meet the reporting requirement of this subsection by reporting suspected insurance fraud in writing to the Fraud Division. Information, documentation, or other evidence not subject to public inspection (b) In addition to any protection provided under Title 4, Subtitle 4, Part IV of the General Provisions Article, any information, documentation, or other evidence provided under this section by an insurer, its employees, fund producers, or insurance producers, a viatical settlement provider, a viatical settlement broker, an independent insurance producer, a registered premium finance company, a governmental self-insurance group, or an employer who self-insures or participates in a self-insurance group to the Commissioner, the Fraud Division, or a federal, State, or local law enforcement authority in connection with an investigation of suspected insurance fraud is not subject to public inspection for as long as the Commissioner, Fraud Division, or law enforcement authority considers the withholding to be necessary to complete an investigation of the suspected fraud or to protect the person investigated from unwarranted injury. Persons not subject to civil liability for reporting suspected insurance fraud (c) A person is not subject to civil liability for a cause of action by virtue of reporting suspected insurance fraud, or furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts, if: (1) the report was made, or the information was furnished to or received from: (i) the Commissioner, Fraud Division, or an appropriate federal, State, or local law enforcement authority; (ii) the National Association of Insurance Commissioners or its agent, employee, or designee; (iii) a nonprofit organization established to detect and prevent fraudulent insurance acts or its agent, employee, or designee; (iv) a person that contracts to provide special investigative unit services to an insurer; or (v) a provider of a recognized comprehensive database system that the Commissioner approves to monitor activities involving insurance fraud or an employee of the provider; and (2) the person that reported the suspected insurance fraud, or furnished or received the information, acted in good faith when making the report or furnishing or receiving the information.

MASSACHUSETTS

IMMUNITY M.G.L.A 175I § 21

No cause of action in the nature of defamation, invasion of privacy or negligence shall arise against any person for disclosing personal or privileged information in accordance with this chapter; provided, however, this section shall provide no immunity: (1) for any person who discloses false information with malice or willful intent to injure any person; or (2) for any person who

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misidentifies an individual as the subject of information and who discloses such misidentified information to others.

MICHIGAN

IMMUNITY M.C.L.A. 500.4509

Sec. 4509. (1) A person acting without malice is not subject to liability for filing a report or requesting or furnishing orally or in writing other information concerning suspected or completed insurance fraud, if the reports or information are provided to or received from the insurance bureau, the national association of insurance commissioners, any federal, state, or governmental agency established to detect and prevent insurance fraud, as well as any other organization, and their agents, employees, or designees, unless that person knows that the report or other information contains false information pertaining to any material fact or thing. (2) In a prosecution for perjury or insurance fraud, and in the absence of malice, an insurer, or any officer, employee, or agent of an insurer, or any private person who cooperates with, furnishes evidence, or provides or receives information regarding suspected insurance fraud to or from an authorized agency, the national association of insurance commissioners, or any organization, or who complies with an order issued by a court acting in response to a request by any of these entities to provide evidence or testimony, is not subject to civil liability with respect to any act concerning the suspected insurance fraud that the person testifies to or produces relevant matter, unless that person knows that the evidence, information, testimony, or matter contains false information pertaining to any material fact or thing. (3) In the absence of malice, an insurer, or any officer, employee, or agent of an insurer, or any person who cooperates with, furnishes evidence, or provides information regarding suspected insurance fraud to an authorized agency, the national association of insurance commissioners, or any organization, or who complies with an order issued by a court of competent jurisdiction acting in response to a request by any of these entities to furnish evidence or provide testimony, is not subject to civil liability for libel, slander, or any other tort, and a civil cause of action of any nature does not exist against the person, for filing a report, providing information, or otherwise cooperating with an investigation or examination of any of these entities, unless that person knows that the evidence, information, testimony, or matter contains false information pertaining to any material fact or thing. (4) The authorized agency, the national association of insurance commissioners, or any organization, and any employee or agent of any of these entities, when acting without malice, is not subject to civil

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liability for libel, slander, or any other tort, and a civil cause of action of any nature does not exist against the person for official activities or duties of the entity because of the publication of any report or bulletin related to the entity's official activities or duties, unless the report or bulletin contains false information concerning any material fact or thing and the authorized agency, the national association of insurance commissioners, an organization, or an employee or agent of these entities knows that the information is false. (5) This section does not abrogate or modify in any way common law or statutory privilege or immunity otherwise available to any person or entity.

MINNESOTA

IMMUNITY M.S.A. § 60A.952

Subd. 3. Immunity from liability. If insurers, insurance support organizations as defined in section 72A.491, subdivision 12, agents acting on the insurers' behalf, or authorized persons release information in good faith under this section, whether orally or in writing, they are immune from any liability, civil or criminal, for the release or reporting of the information.

MISSISSIPPI

IMMUNITY MS CODE § 11-69-1 (2018)

(1) Except as otherwise provided in subsection (2) of this section, there shall be no civil liability imposed on and no cause of action shall arise against a person or entity for furnishing information concerning suspected or completed insurance fraud to any law enforcement, investigatory, prosecutorial or regulatory agent or agency, insurer, or statutory residual market plan. This shall not abrogate or modify common law or statutory privileges or immunities enjoyed by a person or entity. The prohibition of civil liability applies only to the act of reporting and does not limit civil liability against a person or entity for committing fraud or other tortious conduct.

(2) Subsection (1) of this section shall not apply to claims against persons where false statements were made in bad faith by persons furnishing information concerning suspected or completed insurance fraud. Any civil action brought against a person for filing a report or furnishing other information concerning insurance fraud shall be dismissed unless the party bringing the action has pleaded specifically that subsection (1) of this section does not apply because the person filing the report or furnishing the information did so in bad faith, and has pleaded specifically facts that support a claim of bad faith.

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MISSOURI

IMMUNITY V.A.M.S. 375.993

1. The department's papers, documents, reports, or evidence relative to the subject of an investigation under this section shall not be subject to public inspection for so long as the department deems reasonably necessary to complete the investigation and any subsequent legal action. Further, such papers, documents, reports, or evidence relative to the subject of an investigation under sections 375.991 to 375.994 shall not be subject to subpoena until opened for public inspection by the department, unless the department consents, or until, after notice to the department and a hearing, the court determines the department would not be unnecessarily hindered by such subpoena. Department investigators shall not be subject to subpoena in civil actions by any court of this state to testify concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the department. 2. No insurer, employees or agents of any insurer, or any other person acting without malice, shall be subject to civil liability of any kind, including for libel and slander by virtue of the filing of reports or furnishing other information required by sections 375.991 to 375.994 or required by the department of insurance, financial institutions and professional registration as a result of the authority granted in sections 375.991 to 375.994. In addition, except when a person knowingly and intentionally communicates false information, no civil cause of action of any nature may arise against such person for any of the following: (1) Any information relating to suspected or anticipated fraudulent insurance acts furnished to or received from law enforcement officials, their agents, and employees; (2) Any information relating to suspected or anticipated fraudulent insurance acts furnished to or received from other persons subject to the provisions of sections 375.991 to 375.994 and this section; (3) Any information relating to suspected or anticipated fraudulent insurance acts furnished in reports to a federal or state governmental agency or office, the National Association of Insurance Commissioners, the National Insurance Crime Bureau, or any other organization established to detect and prevent fraudulent insurance acts, or to their agents, employees, or designees, or a recognized comprehensive database system recognized by the department. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

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MONTANA

IMMUNITY MCA 33-1-1210

(1) In the absence of malice, an insurer, an officer, employee, or producer of the insurer, an independent adjuster, an administrator, a consultant, or any private person is not subject to civil liability for filing reports, providing information, or otherwise cooperating with an investigation or examination of insurance fraud conducted by the commissioner. (2) A person listed in subsection (1) receives immunity if the person: (a) cooperates with, furnishes evidence to, or provides information regarding any suspected insurance fraud to the commissioner, the national association of insurance commissioners, any nonprofit organization established to detect and prevent insurance fraud, or other insurer or producer; or (b) complies with an order issued by a court of competent jurisdiction acting in response to a request by the commissioner to furnish evidence or provide testimony.

NEBRASKA

IMMUNITY NEB. REV. ST. § 44-6605

(1) Any person or entity, including the department, an insurer, or a person employed by or authorized by an insurer whose activities include the investigation of or reporting of suspected insurance fraud, acting without malice, fraudulent intent, or bad faith shall be immune from civil liability for furnishing any information relating to suspected fraudulent insurance acts to: (a) The director or his or her agents or employees; (b) Law enforcement officials or their agents or employees; (c) The Nebraska Workers' Compensation Court or its agents or employees; (d) Persons or entities subject to Chapter 44 or their agents or employees; or (e) The National Association of Insurance Commissioners or any organization established to detect and prevent fraudulent insurance acts or its agents, employees, or designees. (2) This section does not abrogate or modify in any way any common-law or statutory privilege or immunity.

NEVADA

IMMUNITY N.R.S. "679B.670

Liability for disclosure of information on fraudulent claim or suspicious fire."Any person, governmental entity, insurer, employee or representative of an insurer, official of an investigative or law enforcement agency,

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employee of the Division, the Commissioner, the Attorney General or a member of the Fraud Control Unit is not subject to a criminal penalty or subject to civil liability for libel, slander or any similar cause of action in tort if he or she, without malice, discloses information on a fraudulent claim or suspicious fire.

NEW HAMPSHIRE

IMMUNITY N.H. REV. STAT. § 400-A:36-B

I. In the absence of actual malice, members of the National Association of Insurance Commissioners, their duly authorized committees, subcommittees, and task forces, their delegates, employees, and all others charged with the responsibility of collecting, reviewing, analyzing, and disseminating the information developed from the filing of the annual statement convention blanks shall be acting as agents of the commissioner under the authority of RSA 400-A:36-a and shall not be subject to civil liability for libel, slander, or any other cause of action by virtue of their collection, review, and analysis or dissemination of the data and information collected from the filings required under such section. II. In the absence of actual malice, no person shall be subject to civil liability for libel, slander or any other cause of action arising from filing reports or furnishing information concerning any activity that may constitute insurance fraud as defined in RSA 638:20, if such reports or information is provided to or received from the commissioner, law enforcement officials, the National Association of Insurance Commissioners, any state or federal agency established to detect, prevent or prosecute insurance fraud, or an insurance company authorized to do business in the state. The immunity conferred by this section applies unless the person seeking to impose civil liability proves actual malice. Any person against whom a civil action is brought, and who is found to be entitled to immunity from liability under this section, shall be entitled to recover reasonable attorney's fees and costs from the person who brought the civil action.

NEW JERSEY

IMMUNITY N.J.S.A. 17:33A-9 (PROPOSED LEGISLATION)

a. (1) Any person who believes that a violation of this act has been or is being made shall notify the bureau and the Office of the Insurance Fraud Prosecutor¹ immediately after discovery of the alleged violation of this act and shall send to the bureau and office, on a form and in a manner jointly prescribed by the commissioner and the Insurance Fraud Prosecutor, the

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information requested and such additional information relative to the alleged violation as the bureau or office may require. The bureau and the office shall jointly review the reports and select those alleged violations as may require further investigation by the office for possible criminal prosecution, and those that may warrant investigation and possible civil action or enforcement proceeding by the bureau in lieu of or in addition to criminal prosecution. The Insurance Fraud Prosecutor and the assistant commissioner shall meet monthly to ensure that reports are handled in an expedited fashion. (2) Whenever the Bureau of Fraud Deterrence or any employee of the bureau obtains information or evidence of a reasonable possibility of criminal wrongdoing not previously known or disclosed to the Office of the Insurance Fraud Prosecutor, the bureau shall immediately refer that information or evidence to that office. In determining whether a referral to the office is appropriate, the bureau shall utilize appropriate levels of internal review, which shall include but not be limited to approval at the assistant commissioner level. Upon referral, the bureau shall provide the office with all documents related to the referral consistent with section 39 of P.L.1998, c. 21 (C.17:33A-23). b. No person shall be subject to civil liability for libel, violation of privacy or otherwise by virtue of the filing of reports or furnishing of other information, in good faith and without malice, required by this section or required by the bureau or the Office of the Insurance Fraud Prosecutor as a result of the authority conferred upon it by law. c. The commissioner may, by regulation, require insurance companies licensed to do business in this State to keep such records and other information as he deems necessary for the effective enforcement of this act.

NEW MEXICO

IMMUNITY N. M. S. A. 1978, § 59A-16C-7

A. The provisions of Section 59A-4-21 NMSA 1978 regarding immunity from civil liability for enforcement actions performed in good faith by the superintendent, his authorized representatives and examiners shall apply to the Insurance Fraud Act. B. Except when a person intentionally communicates false information he actually believes to be false, a person shall not be subject to liability by virtue of reporting or furnishing, orally or in writing, information concerning suspected, anticipated or completed insurance fraud acts when the report or information is provided to: (1) the department of insurance, the superintendent or law enforcement agencies, their officials, agents or employees; (2) the national association of insurance commissioners, a federal or state governmental agency or office established to detect and prevent insurance fraud, any other organization established for

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the same purpose and their agents, employees or designees; or (3) the anti-fraud unit of an insurer. C. A person identified in Subsection B of this section or any of the person's officers, employees or agents when performing authorized activities, including the publication or dissemination of any related bulletin or reports, shall not be subject to civil liability for libel, slander or any other relevant tort or a civil cause of action of any nature, except if the person, officer, employee or agent intentionally communicates false information he actually believes to be false. D. This section shall not abrogate or modify in any way any privilege or immunity recognized by common law or statute. E. The court shall award attorney fees and costs to any person identified in Subsection B of this section or any of that person's officers, employees or agents who is a prevailing party in a civil cause of action against him for libel, slander or any other relevant tort arising out of conduct pursuant to the Insurance Fraud Act if the party bringing the action was not substantially justified in bringing such action. For the purposes of this subsection, "substantially justified" means having a reasonable basis in law or fact at the time a proceeding was initiated. F. The relief provided in this section is in addition to remedies otherwise available against the same conduct under the common law or other laws of this state.

NEW YORK

IMMUNITY NY FIN. SERVS. LAW § 405.

In the absence of fraud or bad faith, no person subject to the provisions of this chapter, the banking law or the insurance law shall be subject to civil liability, and no civil cause of action of any nature shall arise against such person for any: (a) information relating to suspected violations of the banking law or the insurance law furnished to law enforcement officials, their agents and employees; (b) information relating to suspected violations of the banking law or the insurance law furnished to other persons subject to the provisions of this chapter; (c) information furnished in reports to the financial frauds and consumer protection unit, its agents or employees or any state agency investigating fraud or misconduct relating to financial fraud, its agents or employees; and (d) information relating to insurance fraud as defined in section 176.05 of the penal law furnished to the National Insurance Crime Bureau. For the purposes of this section the National Insurance Crime Bureau is a nonprofit dedicated to the prosecution of insurance fraud and vehicle crime. The superintendent or any employee of the financial frauds and consumer protection unit, in the absence of fraud or bad faith, shall not be subject to civil liability and no civil cause of action of any nature shall arise against the superintendent or any such employee by

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virtue of the publication of any report or bulletin related to the official activities of the financial frauds and consumer protection unit. Nothing herein is intended to abrogate or modify in any way any common law privilege or immunity heretofore enjoyed by any person.

NORTH CAROLINA

IMMUNITY N.C.G.S.A. § 58-2-160

(a) As used in this section, "Commissioner" includes an employee, agent, or designee of the Commissioner. A person, or an employee or agent of that person, acting without actual malice, is not subject to civil liability for libel, slander, or any other cause of action by virtue of furnishing to the Commissioner under the requirements of law or at the direction of the Commissioner reports or other information relating to (i) any known or suspected fraudulent insurance or reinsurance claim, transaction, or act or (ii) the financial condition of any licensee. In the absence of actual malice, members of the NAIC, their duly authorized committees, subcommittees, task forces, delegates, and employees, and all other persons charged with the responsibility of collecting, reviewing, analyzing, or disseminating the information developed from filings of financial statements or examinations of licensees are not subject to civil liability for libel, slander, or any other cause of action by virtue of their collection, review, analysis, or dissemination of the data and information collected from such filings or examinations.

NORTH DAKOTA

IMMUNITY NDCC, 26.1-02-24.2; 26.1-02.1-04

In the absence of fraud or bad faith, no person is subject to civil liability of any kind, including for libel and slander, by virtue of filing reports, without malice, or furnishing other information, without malice, required by the insurance laws of this state or required by the commissioner, and no civil cause of action of any nature may arise against such person for any of the following: 1. Any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents and employees. 2. Any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of section 26.1-02-24.1 and this section. 3. Any such information furnished in reports to the insurance fraud bureau, national association of insurance commissioners, or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees, nor is the

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commissioner or any employee of the insurance fraud bureau, in the absence of fraud or bad faith, subject to civil liability and no civil cause of actions of any nature may arise against such person by virtue of the publication of any report or bulletin related to the official activities of the insurance fraud bureau. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person. *** 1. A person when acting without malice is not subject to liability by virtue of filing reports, or furnishing orally or in writing other information concerning any suspected, anticipated, or completed fraudulent insurance act, when the reports or information are provided to or received from any authorized agency, the national association of insurance commissioners, or any other not-for-profit organization established to detect and prevent insurance fraud, and their agents, employees, or designees. 2. Except in prosecution for perjury or insurance fraud, and in the absence of malice, an insurer, or any officer, employee, or agent thereof, or any licensed producer or private person who cooperates with, furnishes evidence, or provides or receives information regarding any suspected fraudulent insurance act to or from an authorized agency, the national association of insurance commissioners, or any not for- profit organization established to detect and prevent fraudulent insurance acts or who complies with an order issued by a court of competent jurisdiction acting in response to a request by any of these entities to provide evidence or testimony is not subject to a criminal proceeding or to a civil penalty with respect to any act concerning which the person testifies to or produces relevant matter. 3. In the absence of malice, an insurer, or any officer, employee, or agent thereof, or any licensed producer or private person who cooperates with, furnishes evidence, or provides information regarding any suspected fraudulent insurance act to an authorized agency, the national association of insurance commissioners, or any not for- profit organization established to detect and prevent fraudulent insurance acts or who complies with an order issued by a court of competent jurisdiction acting in response to a request by any of these entities to furnish evidence or provide testimony, is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature exists against the person, for filing reports, providing information, or otherwise cooperating with an investigation or examination of any of these entities. 4. The authorized agency, the national association of insurance commissioners, or any not-for profit organization established to detect and prevent fraudulent insurance acts and any employee or agent of any of these entities, when acting without malice is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature will lie against the person by virtue of the execution of official activities or duties of the entity by virtue of the publication of any report or bulletin related to the official activities or duties of the entity. 5. This section does not abrogate or

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modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

OHIO

IMMUNITY R.C. § 3999.31

(A) As used in this section: (1) "Fraudulent insurance act" means an act committed by a person who, knowingly and with intent to defraud, presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of a policy or contract for property insurance, casualty insurance, life insurance, sickness and accident insurance, or an annuity, or a claim for payment or other benefit pursuant to such a policy or contract, that the person knows to contain materially false information concerning any fact material thereto, or conceals, for the purpose of misleading, information concerning any fact material thereto. "Fraudulent insurance act" also includes any such written statement, claim, or concealment in relation to such an insurance policy or contract that constitutes a criminal offense under Title XXIX or XXXIX of the Revised Code. (2) "Person" includes, but is not limited to, the superintendent of insurance, the national association of insurance commissioners, any insurer, any organization established to detect or prevent fraudulent insurance acts, and any officer, director, trustee, representative, agent, broker, or employee of the superintendent, association, insurer, organization, or person. (B) In the absence of fraud or bad faith, no person is subject to liability for damages or any other civil liability for libel, slander, or other relevant tort cause of action by virtue of filing reports, without malice, or furnishing other information, without malice, required under Title XXXIX of the Revised Code or required by the superintendent under authority granted by that title, and no liability for damages or any other civil cause of action of any nature arises against a person for providing or receiving information relating to suspected fraudulent insurance acts that is furnished to or received from any of the following: (1) Any law enforcement official, or any agent or employee of such official; (2) Other persons subject to the provisions of Title XXXIX of the Revised Code; (3) The superintendent and any designee of the superintendent, any insurance frauds bureau, the national association of insurance commissioners, or any organization established to detect and prevent fraudulent insurance acts; (4) Any other person involved in the detection or prevention of fraudulent insurance acts. (C) The superintendent and any designee of the superintendent, or any insurance frauds bureau, in

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the absence of malice, fraud, or bad faith, is not subject to civil liability for libel, slander, or other relevant tort and no civil cause of action of any nature arises against such a person by virtue of the publication of any report or bulletin related to the official activities of the superintendent or of any insurance frauds bureau in relation to fraudulent insurance acts. (D) Nothing in this section is intended to abrogate or modify in any way any common law or statutory privilege or immunity enjoyed by any person. (E) Nothing in this section shall be construed to negate, supersede, or otherwise affect section 3911.06, 3911.07, 3915.05, or 3923.04 of the Revised Code. (F) This section may be cited as the conference of insurance legislators/national association of insurance commissioners model immunity act.

OKLAHOMA

IMMUNITY 36 OKL. ST. ANN. § 363

A. Any insurer, employee or agent of 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 and, in the case of an allegation of claimant fraud, the Workers' Compensation and Insurance Fraud Unit of the Office of the Attorney General. B. No insurer, employee or agent of an insurer, or any other person acting in the absence of fraud, bad faith, reckless disregard for the truth, or actual malice shall be subject to civil liability for libel, slander or any other relevant tort or subject to criminal prosecution by virtue of filing of reports or furnishing other information either orally or in writing, concerning suspected, anticipated or completed fraudulent insurance acts to the Anti-Fraud Division of the Insurance Department or the Workers' Compensation and Insurance Fraud Unit of the Office of the Attorney General pursuant to subsection A of this section or to any other agency involved in the investigation or prosecution of suspected insurance fraud. C. No civil or criminal cause of action of any nature shall exist against the person or entity by virtue of filing of reports or furnishing other information, either orally or in writing, concerning suspected, anticipated or completed fraudulent insurance acts to the Anti-Fraud Division of the Insurance Department pursuant to subsection A of this section or to any other agency involved in the investigation or prosecution of suspected insurance fraud. The immunity provided in this subsection shall extend to the act of providing or receiving information or reports to or from: 1. Law enforcement officials, their agents and employees; 2. The National Association of Insurance Commissioners, any state department of insurance, any federal or state agency or bureau

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established to detect and prevent fraudulent insurance activities, as well as any other organization established for the same purpose, their agents, employees or designees; and 3. Any organization or person involved in the prevention and detection of fraudulent insurance activities or that organization or person's employees, agents, or representatives. 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.

OREGON

IMMUNITY O.R.S. § 731.594; 731.737

Unless it is shown that the person, including an insurer, acted with actual malice, a person who discloses or provides information under ORS 731.592 has immunity from any civil liability that might otherwise be incurred or imposed with respect to the disclosure or provision of the information. A person has the same immunity with respect to participating in any judicial proceeding resulting from the disclosure or provision of information. *** (1) A person or other entity described in this subsection acting without malice, fraudulent intent or bad faith is not subject to civil liability, and no cause of action of any nature may exist against such a person or entity, when the person is performing authorized functions, including publication or dissemination of information, regarding any activity described in subsection (3) of this section. This subsection applies to the following persons and entities: (a) Law enforcement officials and their agents and employees. (b) The National Association of Insurance Commissioners, the Department of Consumer and Business Services, a federal or state governmental agency established to detect and prevent activities described in subsection (3) of this section and any other organization established for the same purpose, and agents, employees or designees of any such person or entity. (2) A person acting without malice, fraudulent intent or bad faith is not subject to liability by virtue of filing reports or furnishing information regarding any activity described in subsection (3) of this section with or to any person or other entity described in subsection (1) of this section. (3) The activities referred to in subsections (1) and (2) of this section include but are not limited to the following, whether any activity is suspected or anticipated or has occurred: (a) Acts or omissions by a person who presents a statement described in this paragraph to or by an insurer or an insurance producer, causes such a statement to be presented to or by an insurer or an insurance producer, or prepares such a statement with knowledge or belief that it will be presented to or by an insurer or an insurance producer. This paragraph applies to any

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statement that the person knows to contain false information as part of, in support of or concerning any fact relating to the following, or conceals relevant information relating to the following: (A) An application for the issuance of insurance. (B) The rating of insurance. (C) A claim for payment or benefit pursuant to any insurance. (D) Premiums paid on insurance. (E) Payments made in accordance with the terms of insurance coverage. (F) An application for a certificate of authority. (G) The financial condition of an insurer. (H) The acquisition of any insurer. (b) Solicitation or an attempt to solicit new or renewal insurance by or for an insolvent insurer or other person subject to regulation under the Insurance Code. (c) Removal or an attempt to remove assets or any record of assets, transactions and affairs from the home office or other place of business of the insurer or other person subject to regulation under the Insurance Code, or from the place of safekeeping of such a person, or who conceals or attempts to conceal the assets or record from the Director of the Department of Consumer and Business Services. (d) Diversion, an attempt to divert or a conspiracy to divert funds of an insurer or other person subject to regulation under the Insurance Code, or of any other person, in connection with: (A) The transaction of insurance. (B) The conduct of business activities by an insurer or other person subject to regulation under the Insurance Code. (C) The formation, acquisition or dissolution of an insurer or other person subject to regulation under the Insurance Code. (4) This section does not abrogate or modify in any way any common law or statutory privilege or immunity otherwise enjoyed by a person or entity made immune from liability under this section. (5) The court may award reasonable attorney fees to the prevailing party in any tort action against a person who claims immunity under the provisions of this section.

PENNSYLVANIA

IMMUNITY 18 PA. C.S.A. § 4117; 40 P.S. § 325.47

(f) Immunity. "Ó An insurer, and any agent, servant or employee thereof acting in the course and scope of his employment, shall be immune from civil or criminal liability arising from the supply or release of written or oral information to any entity duly authorized to receive such information by Federal or State law, or by Insurance Department regulations. *** (a) GENERAL RULE."Ó In the absence of malice, persons or organizations providing information to or otherwise cooperating with the section, its employees, agents or designees shall not be subject to civil or criminal liability for supplying the information. (b) CIVIL AND CRIMINAL LIABILITY."Ó (1) In the absence of malice, persons or organizations shall not be subject to

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civil or criminal liability for complying with an order issued by a court of competent jurisdiction acting in response to a request by the section. (2) In the absence of malice, the Attorney General and any employee, agent or designee of the Office of Attorney General and the section shall not be subject to civil or criminal liability for the execution of official activities or duties of the section by virtue of the publication of any report or bulletin related to the official activities or duties of the section. (c) CONSTRUCTION OF SECTION."Ó This section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

RHODE ISLAND

IMMUNITY GEN. LAWS 1957, 27-49-5; 27-49-5.1

No insurer, or agent authorized by an insurer to act on its behalf, authorized governmental agency or their respective employees shall be subject to any civil or criminal liability in a cause of action of any kind for releasing or receiving any factually accurate information pursuant to Ì 27- 49-3 or Ì 27-49-4. Nothing herein is intended to or does in any way or manner abrogate or lessen the common and statutory law, privileges and immunities of an insurer, agent authorized by an insurer to act on its behalf, or authorized governmental agency or any of their respective employees. *** (a) An insurer and an agent authorized to act on its behalf, upon written request, may provide to another insurer or insurance industry related organization whose purpose it is to investigate or assist in the prosecution of motor vehicle insurance fraud any and all relevant factually accurate information which the insurer may possess as to any motor vehicle claim or other information which may relate to whether a motor vehicle theft or motor vehicle insurance fraud has occurred. (b) No insurer, organization or agent authorized to act under subsection (a) of this section shall be subjected to any civil or criminal liability in any cause of action of any kind for releasing or receiving any relevant factually accurate information pursuant to subsection (a) of this section if it acts in good faith and with due care solely for the purpose of facilitating the discovery and prosecution of the theft or fraud.

SOUTH CAROLINA

IMMUNITY CODE 1976 ¢ 38-55-580

(A) A person, insurer, or authorized agency, when acting without malice or in good faith, is immune from any liability arising out of filing reports,

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cooperating with investigations by any authorized agency, or furnishing other information, whether written or oral, and whether in response to a request by an authorized agency or upon their own initiative, concerning any suspected, anticipated, or completed false statement or misrepresentation when such reports or information are provided to or received by any authorized agency. (B) Nothing herein abrogates or modifies in any way common law or statutory privilege or immunity heretofore enjoyed by any person, insurer, or authorized agency. (C) Nothing herein limits the liability of any person or insurer who, with malice or in bad faith, makes a report of suspected fraud under the provisions of this article. (D) In addition to the immunity granted in this section, persons identified as designated employees whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts may share information relating to persons suspected of committing fraudulent insurance acts with other designated employees employed by the same or other insurers whose responsibilities include the investigation and disposition of claims relating to fraudulent insurance acts, provided the department has been given written notice of the names and job titles of these designated employees prior to any designated employee sharing information. Unless the designated employees of the insurer act in bad faith or in reckless disregard for the rights of any insured, neither the insurer nor its designated employees are civilly liable for libel, slander, or any other relevant tort, and a civil action does not arise against the insurer or its designated employees: (1) for any information related to suspected fraudulent insurance acts provided to an insurer; or (2) for information related to suspected fraudulent insurance acts provided to the National Insurance Crime Bureau or the National Association of Insurance Commissioners. Provided, however, that the qualified immunity against civil liability conferred on any insurer or its designated employees shall be forfeited with respect to the exchange or publication of any defamatory information with third persons not expressly authorized by subsection (D) to share in such information.

SOUTH DAKOTA

IMMUNITY SDCL § 58-4A-13

Any person acting in good faith is immune from civil liability for filing a report with or for furnishing any information relating to suspected, anticipated, or completed fraudulent insurance acts to: (1) The Department of Labor and Regulation and the director of insurance; (2) Any governmental agency established to detect and prevent fraud; (3) Law enforcement officials; (4) Deleted by SL 2011, ch 1 (Ex. Ord. 11-1), § 162; (5) Any insurer or insurance

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producer; (6) The National Association of Insurance Commissioners; and (7) Any nonprofit organization established to detect and prevent insurance fraud, if the organization is approved by the director pursuant to rules promulgated by the director under chapter 1-26 setting forth the standards, criteria, and procedures necessary to obtain approval. If a civil action is commenced against a person for damages related to the filing of a report or the furnishing of information under this section and the court determines that the person acted in good faith in filing the report or furnishing the information, the person filing the report or furnishing the information may recover costs or disbursements under chapter 15-17, including reasonable attorney's fees. If the trier of fact concludes that the person filing the report or furnishing the information was not acting in good faith, the person filing a civil action may recover costs or disbursements under chapter 15-17, including reasonable attorney's fees. This section does not abrogate or modify in any way any common law or statutory privilege or immunity.

TENNESSEE

IMMUNITY T. C. A. § 56-53-110

In the absence of actual malice, no person furnishing, disclosing or requesting information pursuant to § 56-53-109 shall be subject to civil liability for libel, slander, or any other cause of action arising from the furnishing, disclosing or requesting of the information. No person providing information pursuant to § 56-53-109(a) shall be subject to civil liability for any cause of action arising from the person's provision of requested information. Any person against whom any action is brought who is found to be immune from liability under this section, shall be entitled to recover reasonable attorneys' fees and costs from the person or party who brought the action. This section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

TEXAS

IMMUNITY V.T.C.A., INSURANCE CODE § 701.052

(a) A person is not liable in a civil action, including an action for libel or slander, and a civil action may not be brought against the person, for furnishing information relating to a suspected, anticipated, or completed fraudulent insurance act if the information is provided to: (1) an authorized governmental agency or the department; (2) a law enforcement officer or an agent or employee of the officer; (3) the National Association of Insurance

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producer; (6) The National Association of Insurance Commissioners; and (7) Any nonprofit organization established to detect and prevent insurance fraud, if the organization is approved by the director pursuant to rules promulgated by the director under chapter 1-26 setting forth the standards, criteria, and procedures necessary to obtain approval. If a civil action is commenced against a person for damages related to the filing of a report or the furnishing of information under this section and the court determines that the person acted in good faith in filing the report or furnishing the information, the person filing the report or furnishing the information may recover costs or disbursements under chapter 15-17, including reasonable attorney's fees. If the trier of fact concludes that the person filing the report or furnishing the information was not acting in good faith, the person filing a civil action may recover costs or disbursements under chapter 15-17, including reasonable attorney's fees. This section does not abrogate or modify in any way any common law or statutory privilege or immunity.

UTAH

IMMUNITY U.C.A. 1953 § 31A-31-105

(1)(a) A person, insurer, or authorized agency is immune from civil action, civil penalty, or damages when in good faith that person, insurer, or authorized agency: (i) cooperates with an agency described in Subsection (1)(b); (ii) furnishes evidence to an agency described in Subsection (1)(b); (iii) provides information regarding a suspected fraudulent insurance act to an agency described in Subsection (1)(b); (iv) receives information regarding a suspected fraudulent insurance act from an agency described in Subsection (1)(b); or (v) submits a required report to the department under Section 31A-31-110. (b) An agency referred to in Subsection (1)(a) is one or more of the following: (i) the department or a division of the department; (ii) a federal, state, or government agency established to detect and prevent insurance fraud; (iii) a nonprofit organization established to detect and prevent insurance fraud; or (iv) an agent, employee, or designee of an agency listed in this Subsection (1)(b). (2) An insurer, or person employed by an insurer, is immune from civil action, civil penalty, or damages when in good faith the insurer or person employed by an insurer provides or shares information with another insurer or insurer's employee in a good faith effort to discover or prevent a fraudulent insurance act or other criminal conduct. (3) A person, insurer, or authorized agency is immune from civil action, civil penalty, or damages if that person, insurer, or authorized agency complies in good faith with a court order to provide evidence or testimony requested by an agency described in Subsection (1)(b). (4) This section does not abrogate or modify a common law or statutory right, privilege, or immunity enjoyed by a person.

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(5) Notwithstanding any other provision in this section, a person, insurer, or service provider is not immune from civil action, civil penalty or damages under this section if that person commits the fraudulent insurance act that is the subject of the information.

VERMONT

IMMUNITY 13 V.S.A. § 2031 (PROPOSED LEGISLATION)

(f) Immunity. No insurer or insurance professional acting in good faith and furnishing or disclosing information to the appropriate law enforcement official shall be subject to civil liability for libel, slander, or any other cause of action arising from the furnishing or disclosing of such information, except if the information is furnished solely to obtain an advantage in connection with a claim that will be, is being, or has been filed.

VIRGINIA

IMMUNITY VA CODE ANN. § 52-41

A. Any insurer providing information to an authorized representative of the Department pursuant to § 52-38 or pursuant to subdivision B 5 of § 38.2-613 shall have the right to request relevant information and receive, within thirty days, the information requested. B. No cause of action in the nature of defamation, invasion of privacy, or negligence shall arise against any person furnishing information concerning any suspected, anticipated or completed criminal violation when the information is provided to or received from the Department, the National Association of Insurance Commissioners, another insurer, any federal or state governmental entity established for the purposes of detecting and preventing insurance fraud, or the National Insurance Crime Bureau. C. No insurer, its officers or employees, insurance professional or any other person shall be subject to such cause of action for cooperating with, or furnishing evidence or information regarding any suspected criminal violation to the Department. D. This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person. E. This section does not abrogate or modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity, nor does it authorize the Department to make public insurance company records that are proprietary in nature.

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WASHINGTON

IMMUNITY WEST'S RCWA 48.01.190; § 48.50.070

(1) Any person who files reports, or furnishes other information, required under Title 48 RCW, required by the commissioner under authority granted by Title 48 RCW, useful to the commissioner in the administration of Title 48 RCW, or furnished to the National Association of Insurance Commissioners at the request of the commissioner or pursuant to Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the commissioner or the National Association of Insurance Commissioners, unless actual malice, fraud, or bad faith is shown. (2) The commissioner and the National Association of Insurance Commissioners, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletin or dissemination of information related to the official activities of the commissioner or the National Association of Insurance Commissioners, unless actual malice, fraud, or bad faith is shown. (3) Any licensee under chapter 48.17 RCW and any trade association of the licensees under chapter 48.15 RCW, and any officer, director, employee, agent, or committee of the licensee or association who furnishes information to or for the commissioner or to or for the association regarding unauthorized insurers or regarding attempts by any person to place or actual placement by any person of business with the insurers, whether in compliance with chapter 48.15 RCW or not, shall be immune from each and every kind of liability in any civil action or suit arising in whole or in part from the information or from the furnishing of the information. (4) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.***** Any licensed insurance producer, title insurance agent, or insurer or person acting in the insurer's behalf, health maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the commissioner, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, 48.50.055, or 48.135.050 is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the insurance producer, title insurance agent, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

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WEST VIRGINIA

IMMUNITY WV ST § 33-41-6

(a) There shall be no civil liability imposed on and no cause of action shall arise from a person's furnishing information concerning suspected or anticipated fraud relating to the business of insurance, if the information is provided to or received from:

- (1) The commissioner or the commissioner's employees, agents or representatives;
- (2) Federal, state, or local law-enforcement or regulatory officials or their employees, agents or representatives;
- (3) A person involved in the prevention and detection of insurance fraud or that person's agents, employees or representatives; or
- (4) The national association of insurance commissioners or its employees, agents or representatives.

(b) The provisions of subsection (a) of this section are not applicable to materially incorrect statements made maliciously or fraudulently by a person designated a mandated reporter pursuant to the provisions of subsection (a), section five of this article or made in reckless disregard to the truth or falsity of the statement by those not mandated to report. In an action brought against a person for filing a report or furnishing other information concerning an alleged insurance fraud, the party bringing the action shall plead with specificity any facts supporting the allegation that subsection (a) of this section does not apply because the person filing the report or furnishing the incorrect information did so maliciously in the case of a mandated reporter or in the case of a person not designated a mandated reporter, in reckless disregard for the truth or falsity of the statement.

(c) Nothing in this article shall be construed to limit, abrogate or modify existing statutes or case law applicable to the duties or liabilities of insurers regarding bad faith or unfair trade practices.

(d) This section does not abrogate or modify common law or statutory privileges or immunities.

WISCONSIN

IMMUNITY W.S.A. 895.486

- (2) Any person who, absent malice, files a report with or furnishes information concerning suspected, anticipated, or completed insurance fraud is immune from civil liability for his or her acts or omissions in filing the report or furnishing the information to any of the following or to their agents, employees or designees: (a) The office of the commissioner of insurance. (b) A law enforcement officer. (c) The National Association of Insurance Commissioners. (d) Any governmental agency established to detect and prevent insurance fraud.

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(e) Any nonprofit organization established to detect and prevent insurance fraud. (f) Any insurer or authorized representative of an insurer. (3) Any information furnished by an insurer in response to a report or information furnished under sub. (2) is confidential and may be made public only if required in a civil or criminal action. (4) If a civil action is commenced against a person for damages related to the filing of a report or the furnishing of information under sub. (2) and the court determines that the person is immune from civil liability for his or her acts or omissions in filing the report or furnishing the information, the person filing the report or furnishing the information shall recover costs under ch. 814 and, notwithstanding s. 814.04(1), reasonable attorney fees.

WYOMING

IMMUNITY W.S.1977 § 26-15-109

(a) No cause of action shall arise nor shall any liability be imposed against the commissioner, the commissioner's authorized representatives or any examiner appointed by the commissioner for any statements made or conduct performed in good faith while carrying out an examination or related activity under the provisions of this chapter. (b) No cause of action shall arise nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner, the commissioner's authorized representative or examiner or law enforcement agencies pursuant to an examination made under this chapter or any other criminal investigation under title 6 of the Wyoming statutes, if the act of communication or delivery was performed in good faith and without fraudulent intent. (c) Any person identified in subsection (a) or (b) of this section shall be entitled to an award of attorney's fees and costs if he is a prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out an examination or related activity under the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time it was initiated.

About The Coalition

The Coalition Against Insurance Fraud is America's only anti-fraud alliance speaking for consumers, insurance companies, government agencies and others. Through its unique work, the Coalition empowers consumers to fight back, helps fraud fighters better detect this crime and deters more people from committing fraud. The Coalition supports this mission with a large and continually expanding armory of practical tools: Information, research & data, services and insight as a leading voice of the anti-fraud community.

For additional information on the Coalition Against Insurance Fraud contact us at 202- 393-7330 or info@insurancefraud.org



**Coalition Against
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Special Thanks

We are so grateful for the continued support of our Coalition Legal Affairs Committee member law firms who who donated their time in an effort to update this guide.



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