

1 AN ACT concerning insurance. 55

2 Be it enacted by the People of the State of Illinois, 59
3 represented in the General Assembly: 60

4 Section 1. Short title. This Act may be cited as the 63
5 Insurance Claims Fraud Prevention Act. 65

6 Section 5. Patient and client procurement. 68

7 (a) Except as otherwise permitted or authorized by law, 70
8 it is unlawful to knowingly offer or pay any remuneration 71
9 directly or indirectly, in cash or in kind, to induce any 73
10 person to procure clients or patients to obtain services or 75
11 benefits under a contract of insurance or that will be the
12 basis for a claim against an insured person or the person's 77
13 insurer. Nothing in this Act shall be construed to affect 78
14 any contracts or arrangements between or among insuring 79
15 entities including health maintenance organizations, health 80
16 care professionals, or health care facilities which are
17 hereby excluded. 81

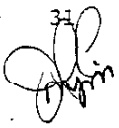
18 (b) A person who violates any provision of this Act or 83
19 Article 46 of the Criminal Code of 1961 shall be subject, in 85
20 addition to any other penalties that may be prescribed by 86
21 law, to a civil penalty of not less than \$5,000 nor more than 87
22 \$10,000, plus an assessment of not more than 3 times the 89
23 amount of each claim for compensation under a contract of
24 insurance. The court shall have the power to grant other 91
25 equitable relief, including temporary injunctive relief, as 92
26 is necessary to prevent the transfer, concealment, or 93
27 dissipation of illegal proceeds, or to protect the public. 95
28 The penalty prescribed in this subsection shall be assessed
29 for each fraudulent claim upon a person in which the 97
30 defendant participated.

31 (c) The penalties set forth in subsection (b) are 99

Secretary of the Senate

Originated in the Senate

PUBLIC ACT 92-233



1 intended to be remedial rather than punitive, and shall not 101
 2 preclude, nor be precluded by, a criminal prosecution for the 102
 3 same conduct. If the court finds, after considering the goals 103
 4 of disgorging unlawful profit, restitution, compensating the 105
 5 State for the costs of investigation and prosecution, and
 6 alleviating the social costs of increased insurance rates due 107
 7 to fraud, that such a penalty would be punitive and would 108
 8 preclude, or be precluded by, a criminal prosecution, the 109
 9 court shall reduce that penalty appropriately. 111

10 Section 10. Action by State's Attorney or Attorney 114
 11 General. The State's Attorney of the county in which the 116
 12 conduct occurred or Attorney General may bring a civil action 117
 13 under this Act. Before the Attorney General may bring the 118
 14 action, the Attorney General shall present the evidence 120
 15 obtained to the appropriate State's Attorney for possible
 16 criminal or civil filing. If the State's Attorney elects not 122
 17 to pursue the matter, then the Attorney General may proceed 123
 18 with the action. 124

19 Section 15. Action by interested person. 127

20 (a) An interested person, including an insurer, may 129
 21 bring a civil action for a violation of this Act for the 132
 22 person and for the State of Illinois. The action shall be
 23 brought in the name of the State. The action may be dismissed 134
 24 only if the court and the State's Attorney or the Attorney 135
 25 General, whichever is participating, gives written consent to 136
 26 the dismissal stating their reasons for consenting. 138

27 (b) A copy of the complaint and a written disclosure of 140
 28 substantially all material evidence and information the 142
 29 person possesses shall be served on the State's Attorney and 143
 30 Attorney General. The complaint shall be filed in camera, 144
 31 shall remain under seal for at least 60 days, and shall not 146
 be served on the defendant until the court so orders. The

1 State's Attorney or Attorney General may elect to intervene 148
2 and proceed with the action within 60 days after he or she 149
3 receives both the complaint and the material evidence and 150
4 information. If more than one governmental entity elects to 152
5 intervene, the State's Attorney shall have precedence. 153

6 (c) The State's Attorney or Attorney General may, for 155
7 good cause shown, move the court for extensions of the time 157
8 during which the complaint shall remain under seal under 158
9 subsection (b). The motions may be supported by affidavits or 159
10 other submissions in camera. The defendant shall not be 161
11 required to respond to any complaint filed under this Section
12 until 20 days after the complaint is unsealed and served upon 163
13 the defendant.

14 (d) Before the expiration of the 60-day period or any 165
15 extensions obtained under subsection (c), the State's 166
16 Attorney or Attorney General shall either:

17 (1) proceed with the action, in which case the 168
18 action shall be conducted by the State's Attorney or 169
19 Attorney General; or

20 (2) notify the court that it declines to take over 171
21 the action, in which case the person bringing the action 172
22 shall have the right to conduct the action. 173

23 (e) When a person or governmental agency brings an 175
24 action under this Act, no person other than the State's 177
25 Attorney or Attorney General may intervene or bring a related 178
26 action based on the facts underlying the pending action 179
27 unless another statute or common law authorizes that action. 181

28 Section 20. Role of State's Attorney or Attorney 184
29 General.

30 (a) If the State's Attorney or Attorney General proceeds 186
31 with the action, he or she shall have the primary 189
32 responsibility for prosecuting the action, and shall not be
33 bound by an act of the person bringing the action. That 191

1 person shall have the right to continue as a party to the 192
 2 action, subject to the limitations set forth in subsection 193
 3 (b).

4 (b) The State's Attorney or Attorney General may dismiss 195
 5 the action notwithstanding the objections of the person 197
 6 initiating the action if the person has been notified by the 198
 7 State's Attorney or Attorney General of the filing of the 199
 8 motion, and the court has provided the person with an 201
 9 opportunity for a hearing on the motion.

10 The State's Attorney or Attorney General may settle the 203
 11 action with the defendant notwithstanding the objections of 205
 12 the person initiating the action if the court determines, 206
 13 after a hearing, that the proposed settlement is fair, 207
 14 adequate, and reasonable under all the circumstances. Upon a 210
 15 showing of good cause, the hearing may be held in camera.

16 Upon a showing by the State's Attorney or Attorney 212
 17 General that unrestricted participation during the course of 213
 18 the litigation by the person initiating the action would 214
 19 interfere with or unduly delay the State's Attorney's or 215
 20 Attorney General's prosecution of the case, or would be 217
 21 repetitious, irrelevant, or for purposes of harassment, the
 22 court may, in its discretion, impose limitations on the 219
 23 person's participation, including, but not limited to, the 220
 24 following:

25 (1) limiting the number of witnesses the person may 222
 26 call;

27 (2) limiting the length of the testimony of those 224
 28 witnesses;

29 (3) limiting the person's cross-examination of 226
 30 witnesses; and

31 (4) otherwise limiting the participation by the 228
 32 person in the litigation.

33 Upon a showing by the defendant that unrestricted 230
 34 participation during the course of the litigation by the 232

1 person initiating the action would be for purposes of
 2 harassment or would cause the defendant undue burden or 234
 3 unnecessary expense, the court may limit the participation by 235
 4 the person in the litigation. 236

5 (c) If the State's Attorney or Attorney General elects 238
 6 not to proceed with the action, the person who initiated the 241
 7 action shall have the right to conduct the action. If the 242
 8 State's Attorney or Attorney General so requests, he or she 243
 9 shall be served with copies of all pleadings filed in the 244
 10 action and shall be supplied with copies of all deposition 245
 11 transcripts, at the State's Attorney's or Attorney General's 247
 12 expense. When a person proceeds with the action, the court,
 13 without limiting the status and rights of the person 249
 14 initiating the action, may nevertheless permit the State's 250
 15 Attorney or Attorney General to intervene at a later date 251
 16 upon a showing of good cause. 252

17 (d) If at any time both a civil action for penalties and 254
 18 equitable relief pursuant to this Act and a criminal action 256
 19 are pending against a defendant for substantially the same 257
 20 conduct, whether brought by the government or a private 258
 21 party, the civil action shall be stayed until the criminal 259
 22 action has been concluded at the trial court level. The stay 260
 23 shall not preclude the court from granting or enforcing 262
 24 temporary equitable relief while the actions are pending.
 25 Whether or not the State's Attorney or Attorney General 264
 26 proceeds with the action, upon a showing by the State's 265
 27 Attorney or Attorney General that certain actions of 266
 28 discovery by the person initiating the action would interfere 268
 29 with a law enforcement or governmental agency investigation
 30 or prosecution of a criminal or civil matter arising out of 270
 31 the same facts, the court may stay discovery for a period of
 32 not more than 180 days. A hearing on a request for the stay 271
 33 shall be conducted in camera. The court may extend the 272
 34 180-day period upon a further showing in camera that the

1 agency has pursued the criminal or civil investigation or 273
 2 proceedings with reasonable diligence and any proposed 274
 3 discovery in the civil action will interfere with the ongoing
 4 criminal or civil investigation or proceedings. 276

5 (e) Notwithstanding Section 15, the State's Attorney or 278
 6 Attorney General may elect to pursue its claim through any 280
 7 alternate remedy available to the State's Attorney or 281
 8 Attorney General. 282

9 Section 25. Costs and proceeds of action. 285

10 (a) If the State's Attorney or Attorney General proceeds 287
 11 with an action brought by a person under Section 15, that 290
 12 person is entitled to receive an amount that the court 291
 13 determines is reasonable based upon the extent to which the 292
 14 person contributed to the prosecution of the action. Subject 294
 15 to subsection (d), the amount awarded to the person who
 16 brought the action shall not be less than 30% of the proceeds 296
 17 of the action or settlement of the claim, and shall be paid 297
 18 from the proceeds. 298

19 (b) If the State's Attorney or Attorney General does not 300
 20 proceed with an action brought by a person under Section 15, 303
 21 that person shall receive an amount that the court decides is 304
 22 reasonable for collecting the civil penalty and damages. 305
 23 Subject to subsection (d), the amount shall not be less than 307
 24 40% of the proceeds of the action or settlement, and shall be 308
 25 paid from the proceeds. 309

26 (c) If the person bringing the action as a result of a 311
 27 violation of this Act has paid money to the defendant or to 313
 28 an attorney acting on behalf of the defendant in the
 29 underlying claim, then he or she shall be entitled to up to 315
 30 double the amount paid to the defendant or the attorney if 316
 31 that amount is greater than 50% of the proceeds. 317

32 (d) Where the action is one that the court finds to be 319
 33 based primarily on disclosures of specific information, other 321

1 than information provided by the person bringing the action 322
2 under Section 15, relating to allegations or transactions in 323
3 a criminal, civil, or administrative hearing, in a 325
4 legislative or administrative report, hearing, audit, or
5 investigation, or from the news media, the court may award 327
6 those sums that it considers appropriate, but in no case more
7 than 10% of the proceeds, taking into account the 329
8 significance of the information and the role of the person 330
9 bringing the action in advancing the case to litigation. 331

10 (e) Any payment to a person under subsection (a), (b), 333
11 (c), or (d) shall be made from the proceeds. The person shall 335
12 also receive an amount for reasonable expenses that the court 336
13 finds to have been necessarily incurred, plus reasonable 337
14 attorney's fees and costs. All of those expenses, fees, and 339
15 costs shall be awarded against the defendant.

16 (f) If a local State's Attorney has proceeded with an 341
17 action under this Act, the Treasurer of the County where the 343
18 action was brought shall receive an amount for reasonable 344
19 expenses that the court finds to have been necessarily 345
20 incurred by the State's Attorney, including reasonable 346
21 attorney's fees and costs, plus 50% of the funds not awarded 347
22 to a private party. Those amounts shall be used to 349
23 investigate and prosecute insurance fraud, augmenting
24 existing budgets rather than replacing them. All remaining 351
25 funds shall go to the State and be deposited in the General 352
26 Revenue Fund and, when appropriated, shall be allocated to 353
27 appropriate State agencies for enhanced insurance fraud 355
28 investigation, prosecution, and prevention efforts.

29 (g) If the Attorney General has proceeded with an action 357
30 under this Act, all funds not awarded to a private party, 359
31 shall go to the State and be deposited in the General Revenue 360
32 Fund and, when appropriated, shall be allocated to 361
33 appropriate State agencies for enhanced insurance fraud 363
34 investigation, prosecution, and prevention efforts.



1 (h) If neither a local State's Attorney or the Attorney 365
 2 General has proceeded with an action under this Act, 50% of 368
 3 the funds not awarded to a private party shall be deposited 369
 4 with the Treasurer of the County where the action was brought 370
 5 and shall be disbursed to the State's Attorney of the County 372
 6 where the action was brought. Those funds shall be used by 373
 7 the State's Attorney solely to investigate, prosecute, and 374
 8 prevent insurance fraud, augmenting existing budgets rather 376
 9 than replacing them. All remaining funds shall go to the
 10 State and be deposited in the General Revenue Fund and, when 378
 11 appropriated, shall be allocated to appropriate State 379
 12 agencies for enhanced insurance fraud investigation, 380
 13 prosecution, and prevention efforts. 381

14 (i) Whether or not the State's Attorney or Attorney 383
 15 General proceeds with the action, if the court finds that the 386
 16 action was brought by a person who planned and initiated the 387
 17 violation of this Act, that person shall be dismissed from 388
 18 the civil action and shall not receive any share of the 390
 19 proceeds of the action. The dismissal shall not prejudice the
 20 right of the State's Attorney or Attorney General to continue 392
 21 the action on behalf of the State.

22 (j) If the State's Attorney or Attorney General does not 394
 23 proceed with the action, and the person bringing the action 396
 24 conducts the action, the court may award to the defendant its 397
 25 reasonable attorney's fees and expenses if the defendant 398
 26 prevails in the action and the court finds that the claim of 400
 27 the person bringing the action was clearly frivolous, clearly
 28 vexatious, or brought primarily for purposes of harassment. 402

29 Section 30. Limitation on bringing actions. 405

30 (a) In no event may a person bring an action under 407
 31 Section 15 that is based upon allegations or transactions 409
 32 that are the subject of a civil suit or an administrative 410
 33 civil money penalty proceeding in which the State's Attorney 411

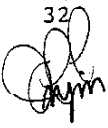
1 or Attorney General is already a party. 412
2 (b) A court may not have jurisdiction over an action 414
3 under this Act based upon the public disclosure of 417
4 allegations or transactions in a criminal, civil, or
5 administrative hearing, in a legislative or administrative 419
6 report, hearing, audit, or investigation, or from the news 420
7 media, unless the action is brought by the State's Attorney, 421
8 the Attorney General, or a person who is an original source 423
9 of the information. For purposes of this subsection, 424
10 "original source" means an individual who has direct and 425
11 independent knowledge of the information on which the 426
12 allegations are based and has voluntarily provided the 428
13 information to the State's Attorney or Attorney General
14 before filing an action under this Act based on the 430
15 information.

16 Section 35. Expenses and sanctions. 433

17 (a) Except as provided in subsection (b), the State's 435
18 Attorney or Attorney General is not liable for expenses that 437
19 a person incurs in bringing an action under this Act.

20 (b) In civil actions brought under this Act in which the 439
21 Attorney General or a State's Attorney is a party, the court 442
22 shall retain discretion to impose sanctions otherwise allowed 443
23 by law, including the ability to order a party to pay 444
24 expenses as provided in the Code of Civil Procedure. 446

25 Section 40. Retaliatory discharge; remedy. An employee 449
26 who is discharged, demoted, suspended, threatened, harassed, 451
27 or in any other manner discriminated against in the terms and 452
28 conditions of employment by his or her employer because of 453
29 lawful acts done by the employee on behalf of the employee or 455
30 others in furtherance of an action under this Act, including 456
31 investigation for, initiation of, testimony for, or 457
32 assistance in an action filed or to be filed under this Act, 459



1 shall be entitled to all relief necessary to make the
 2 employee whole. That relief shall include reinstatement with 461
 3 the same seniority status the employee would have had but for 462
 4 the discrimination, 2 times the amount of backpay, interest 463
 5 on the backpay, and compensation for any special damages 464
 6 sustained as a result of the discrimination, including
 7 litigation costs and reasonable attorney's fees. An employee 465
 8 may bring an action in the appropriate court for the relief 467
 9 provided in this Section. The remedies under this Section are
 10 in addition to any other remedies provided by existing law. 469

11 Section 45. Time limitations. 472

12 (a) Except as provided in subsection (b), an action 474
 13 pursuant to this Act may not be filed more than 3 years after 476
 14 the discovery of the facts constituting the grounds for
 15 commencing the action. 478

16 (b) Notwithstanding subsection (a), an action may be 480
 17 filed pursuant to this Act within not more than 8 years after 482
 18 the commission of an act constituting a violation of this Act 483
 19 or a violation of Article 46 of the Criminal Code of 1961. 484

20 Section 90. The Illinois Insurance Code is amended by 487
 21 changing Sections 155.23 and 155.24 as follows: 488

22 (215 ILCS 5/155.23) (from Ch. 73, par. 767.23) 491

23 Sec. 155.23. Fraud Claims reporting. 493

24 (1) The Director ~~of--insurance~~ is authorized to 495
 25 promulgate reasonable rules requiring insurers, as 497
 26 defined in Section 155.24, doing business insurance 498
 27 companies--licensed in the State of Illinois to report
 28 factual information in their possession that which is 499
 29 pertinent to suspected fraudulent casualty--and--property 501
 30 insurance claims, fraudulent insurance applications, or
 31 premium fraud including--claims--involving--the--theft--of 502

1 automobiles, after he has made a determination that the 503
2 such information is necessary to detect fraud or arson. 505
3 This Claim information may include:
4 (a) Dates and description of accident or loss. 507
5 (b) Any insurance policy relevant to the accident 509
6 or loss.
7 (c) Name of the insurance company claims adjustor 511
8 and claims adjustor supervisor processing or reviewing 512
9 any claim or claims made under any insurance policy 513
10 relevant to the accident or loss.
11 (d) Name of claimant's or insured's attorney. 515
12 (e) Name of claimant's or insured's physician, or 517
13 any person rendering or purporting to render medical 518
14 treatment.
15 (f) Description of alleged injuries, damage or 520
16 loss.
17 (g) History of previous claims made by the claimant 522
18 or insured.
19 (h) Places of medical treatment. 524
20 (i) Policy premium payment record. 526
21 (j) Material relating to the investigation of the 528
22 accident or loss, including statements of any person, 529
23 proof of loss, and any other relevant evidence. 530
24 (k) any facts evidencing fraud or arson. 532
25 The Director shall establish reporting requirements for 534
26 application and premium fraud information reporting by rule. 535
27 (2) The Director of Insurance may designate one or more 537
28 data processing organizations or governmental agencies to 538
29 assist him in gathering such information and making 540
30 compilations thereof, and may by rule establish the form and 541
31 procedure for gathering and compiling such information. The 542
32 rules may ~~Such--rule--shall~~ name any organization or agency 544
33 designated by the Director to provide this service, and may 545
34 ~~shall~~ in such case provide for a fee to be paid by the

1 reporting insurers companies directly to the designated 547
2 organization or agency to cover any of the costs associated 548
3 with providing this service. After determination by the
4 Director of substantial evidence of false or fraudulent 551
5 claims, fraudulent applications, or premium fraud, the
6 information shall be forwarded by the Director or the 553
7 Director's his designee to the proper law enforcement agency
8 or prosecutor State's Attorney and U.S. Attorney. Incurers 554
9 insurance-companies shall have access to, and may use, the 557
10 claims information compiled under the provisions of this 559
11 Section. Insurers Insurance---companies shall release
12 information concerning--claims--against--them to, and shall 561
13 cooperate with, any law enforcement agency requesting such 562
14 information.

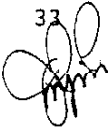
15 In the absence of malice, no insurer insurance-company, 564
16 or person who furnishes information on its behalf, is liable 566
17 for damages in a civil action or subject to criminal 567
18 prosecution for any oral or written statement made or any
19 other action taken that is necessary to supply information 568
20 required pursuant to this Section. 569
21 (Source: P.A. 83-851.) 571

22 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24) 574

23 Sec. 155.24. Motor Vehicle Theft and Motor Insurance 576
24 Fraud Reporting and Immunity Law. 577

25 (a) As used in this Section: 579

26 (1) "authorized governmental agency" means the 582
27 Illinois Department of State Police, a local governmental 583
28 police department, a county sheriff's office, a State's 584
29 Attorney, the Attorney General, a municipal attorney, a 587
30 United States district attorney, a duly constituted
31 criminal investigative agency of the United States 588
32 government, the Illinois Department of Insurance, the 589
33 Illinois Department of Professional Regulation and the 590



1 office of the Illinois Secretary of State;
 2 (2) "relevant" means having a tendency to make the 593
 3 existence of any information that is of consequence to an 595
 4 investigation of motor vehicle theft or insurance fraud
 5 investigation or a determination of such issue more 596
 6 probable or less probable than it would be without such 597
 7 information; and

8 (3) information will be "deemed important" if 600
 9 within the sole discretion of the authorized governmental
 10 agency such information is requested by that authorized 601
 11 governmental agency;:-

12 (4) "Illinois authorized governmental agency" means 603
 13 an authorized governmental agency as defined in item (1) 604
 14 that is a part of the government of the State of Illinois 606
 15 or any of the counties or municipalities of this State or
 16 any other authorized entity; and 607

17 (5) For the purposes of this section and section 609
 18 155.23, "insurer" means insurance companies, insurance 610
 19 support organizations, self-insured entities, and other 611
 20 providers of insurance products and services doing
 21 business in the State of Illinois. 612

22 (b) Upon written request to an insurer by an authorized 614
 23 governmental agency, an insurer or agent authorized by an 615
 24 insurer to act on its behalf shall release to the requesting 616
 25 authorized governmental agency any or all relevant
 26 information deemed important to the authorized governmental 617
 27 agency which the insurer may possess relating to any specific 618
 28 motor vehicle theft or motor vehicle insurance fraud. 619
 29 Relevant information may include, but is not limited to: 620

30 (1) Insurance policy information relevant to the 622
 31 motor vehicle theft or motor vehicle insurance fraud 623
 32 under investigation, including any application for such a 624
 33 policy.

34 (2) Policy premium payment records which are 626

1 available. 628

2 (3) History of previous claims made by the insured. 628

3 (4) Information relating to the investigation of 630

4 the motor vehicle theft or motor vehicle insurance fraud, 631

5 including statements of any person, proofs of loss and 632

6 notice of loss.

7 (c) When an insurer knows or reasonably believes to know 634

8 the identity of a person whom it has reason to believe 635

9 committed a criminal or fraudulent act relating to a motor 636

10 vehicle theft or a motor vehicle insurance claim or has 637

11 knowledge of such a criminal or fraudulent act which is

12 reasonably believed not to have been reported to an 638

13 authorized governmental agency, then for the purpose of 639

14 notification and investigation, the insurer or an agent 640

15 authorized by an insurer to act on its behalf shall notify an

16 authorized governmental agency of such knowledge or 641

17 reasonable belief and provide any additional relevant 642

18 information in accordance with subsection paragraph (b) of 643

19 this Section. When the motor vehicle theft or motor vehicle 644

20 claim that gives rise to the suspected criminal or fraudulent 645

21 act has already generated an incident report to an Illinois

22 authorized governmental agency, the insurer shall report the 646

23 suspected criminal or fraudulent act to that agency. When no 647

24 prior incident report has been made, the insurer shall report 648

25 the suspected criminal or fraudulent act to the Attorney 650

26 General or State's Attorney in the county or counties where 651

27 the incident is claimed to have occurred. When the incident

28 that gives rise to the suspected criminal or fraudulent act 652

29 is claimed to have occurred outside the State of Illinois, 653

30 but the suspected criminal or fraudulent act occurs within 654

31 the State of Illinois, the insurer shall make the report to 655

32 the Attorney General or State's Attorney in the county or

33 counties where the suspected criminal or fraudulent act 656

34 occurred. When the fraud occurs in multiple counties the 657

1 report shall also be sent to the Attorney General.

2 (d) When an insurer provides any of the authorized 659
3 governmental agencies with notice pursuant to this Section it 660
4 shall be deemed sufficient notice to all authorized 661
5 governmental agencies for the purpose of this Act.

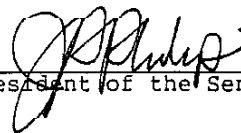
6 (e) The authorized governmental agency provided with 663
7 information pursuant to this Section may release or provide 664
8 such information to any other authorized governmental agency. 665

9 (f) Any insurer providing information to an authorized 667
10 governmental agency pursuant to this Section shall have the 668
11 right to request and receive relevant information from such 669
12 authorized governmental agency, and receive within a 670
13 reasonable time after the completion of the investigation,
14 not to exceed 30 days, the information requested. 671

15 (g) Any information furnished pursuant to this Section 673
16 shall be privileged and not a part of any public record. 674
17 Except as otherwise provided by law, any authorized 675
18 governmental agency, insurer, or an agent authorized by an
19 insurer to act on its behalf which receives any information 676
20 furnished pursuant to this Section, shall not release such 677
21 information to public inspection. Such evidence or 678
22 information shall not be subject to subpoena duces tecum in a 679
23 civil or criminal proceeding unless, after reasonable notice
24 to any insurer, agent authorized by an insurer to act on its 680
25 behalf and authorized governmental agency which has an 681
26 interest in such information and a hearing, the court 682
27 determines that the public interest and any ongoing
28 investigation by the authorized governmental agency, insurer, 683
29 or any agent authorized by an insurer to act on its behalf 684
30 will not be jeopardized by obedience to such a subpoena duces 685
31 tecum.

32 (h) No insurer, or agent authorized by an insurer on its 687
33 behalf, authorized governmental agency or their respective 688
34 employees shall be subject to any civil or criminal liability 689

1 in a cause of action of any kind for releasing or receiving 690
 2 any information pursuant to this Section. Nothing herein is
 3 intended to or does in any way or manner abrogate or lessen 691
 4 the common and statutory law privileges and immunities of an 692
 5 insurer, agent authorized by an insurer to act on its behalf 693
 6 or authorized governmental agency or any of their respective 694
 7 employees.
 8 (Source: P.A. 85-1292.) 696


 _____ 702
 President of the Senate 704


 _____ 707
 Speaker, House of Representatives 708

APPROVED

this 2nd day of August, 20 01 A.D.,



 GOVERNOR