
A BILL FOR AN ACT

RELATING TO INSURANCE FRAUD.

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

1 SECTION 1. The purpose of this Act is to incorporate
2 selected provisions from the National Conference of Insurance
3 Legislators' model insurance fraud act to strengthen existing
4 insurance fraud provisions.

5 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
6 amended by adding a new section to article 2 to be appropriately
7 designated and to read as follows:

8 **"§431:2- Cooperation with insurance fraud**

9 **investigations.** (a) Any person or licensee that has a
10 reasonable belief that a violation under section 431:2-403 is
11 being or will be committed shall furnish and disclose any
12 information to the branch to detect, prosecute, or prevent
13 insurance fraud.

14 (b) When the branch requests information from a person or
15 licensee to detect, prosecute, or prevent insurance fraud, the
16 person or licensee shall take all reasonable actions to provide
17 the information requested, subject to any privilege protecting
18 the information.



1 (c) Failure to cooperate pursuant to subsections (a) and
2 (b) shall bar eligibility from any proceeds or restitution,
3 pursuant to section 431:2-404, resulting from branch
4 investigations and prosecutions.

5 (d) No person or licensee furnishing or disclosing
6 information under this section shall be subject to civil
7 liability arising from the actions to furnish or disclose
8 requested information; provided that the person was acting
9 without malice and did not commit perjury in furnishing or
10 disclosing information."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2010.

Report Title:

Insurance Fraud; Cooperation

Description:

Requires individuals, entities, and insurers to cooperate with insurance fraud investigations. Bars restitution for failure to cooperate. Effective July 1, 2010. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

