

July 31, 2024

TO: Members of the Wyoming State Legislature Joint Corporations Committee:

The National Insurance Crime Bureau (NICB) respectfully requests the Wyoming State Legislature consider requiring the reporting of suspected fraud insurance. In lieu of adopted model NCOIL legislation, we recommend modeling legislation to that of Montana. The reasoning: Montana does not have a fraud reporting unit within their division (neither would WY), and their law is straightforward and covers the concerns raised at the last meeting regarding immunity.

Montana law contains 3 basic points:

1. Statutory Requirement to Report Suspected Insurance Fraud

Those in the insurance industry are required to make referrals of suspected fraud:

Mont. Code Ann. § 33-1-1303. Reporting requirements. (1) An insurer, insurance producer, or other person who has reason to believe that insurance, viatical settlement, medical care discount card, or pharmacy discount card fraud has occurred shall report the suspected fraud to the commissioner or to the insurance producer's or other person's insurer within 60 days of discovery of the occurrence. An insurer shall review a report given to the insurer, and if the insurer determines that there is a reasonable likelihood that fraud has occurred the insurer shall forward the report to the commissioner within 30 days of receipt.

2. Duty to Cooperate

Those in the insurance industry are required to cooperate with the Commissioner throughout the investigation. Cooperation includes responding to telephone calls, emails, requests for information and communicating status of requests.

Mont. Code Ann. § 33-1-1205. Duties of authorized insurers, adjusters, administrators, consultants and producers – notice exception.

(1) Each insurer, independent adjuster, independent administrator, independent consultant, and independent producer shall cooperate fully with the commissioner with respect to the provisions of this part [Title 33, Chapter 1, Part 12 – Insurance Fraud Protection].

All information requested by the Commissioner in connection with an investigation must be provided. This includes, but is not limited to, the entire claim and Special Investigations Unit (SIU) file, including all video/audio recordings, transcripts, application, certified copy of policy, photo metadata, etc.

3. Immunity

The Insurance Code may provide immunity from liability for cooperating with an investigation and providing requested information:

Mont. Code Ann. § 33-1-1210. Immunity from liability. (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.

Sincerely,

Marian Smith

Marian Smith
Director Strategy, Policy, and Government Affairs
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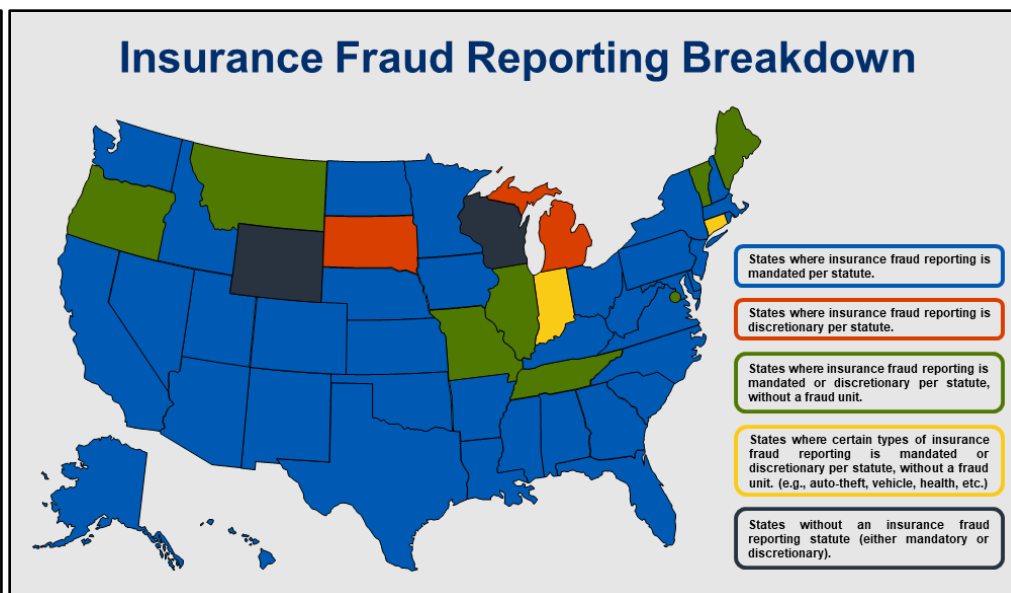
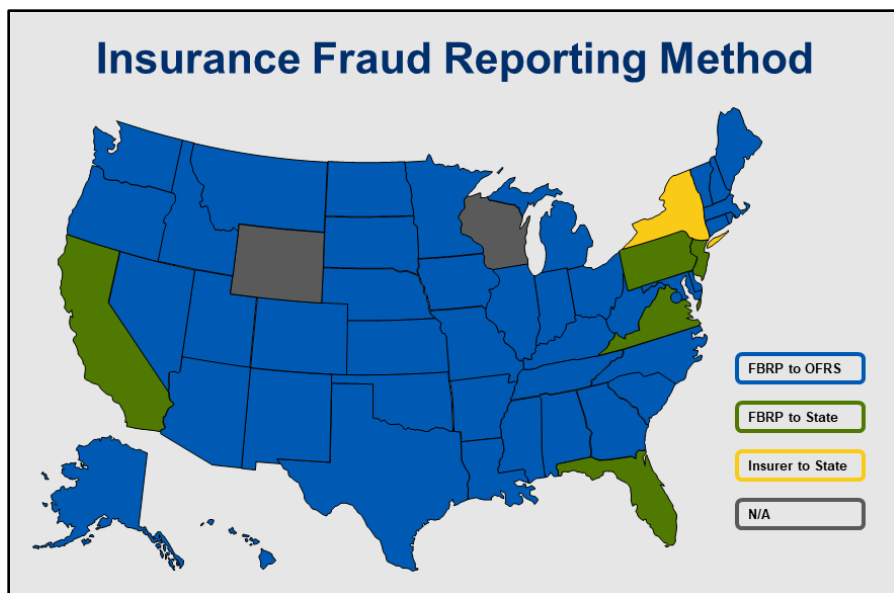
Fraud Reporting and the NICB Fraud Bureau Reporting Program (FBRP)

Disclaimer: This document was prepared by the National Insurance Crime Bureau (NICB) and is intended as an informational guide and not intended to be legal or regulatory advice. Legal advice should only be provided by an attorney representing your organization and the advice should be tailored to the specific set of facts involved. Laws and regulations change, are subject to interpretation, and may not be accurately reflected in this guide.

Description: The National Insurance Crime Bureau's (NICB) Fraud Bureau Reporting Program (FBRP) allows NICB Member insurance companies to satisfy and streamline state insurance fraud reporting requirements.

By prepopulating pertinent claim information from ISO ClaimSearch, and adding any additional relevant information, member-insurers can simultaneously submit a QC to NICB and a referral to the state insurance fraud authority. In partnership with the National Association of Insurance Commissioners' (NAIC) Online Fraud Reporting System (OFRS), NICB provides fraud referrals to most states through the FBRP-OFRS connection.

In a handful of states – namely, California, Florida, New Jersey, Pennsylvania, and Virginia – NICB provides fraud referrals via direct feed. New York, Wisconsin, and Wyoming do **not** have reporting agreements in place with NICB or NAIC. As a result, insurers must submit referrals direct to the state (although Wisconsin has no mandatory reporting statute in place).



State	Statutes / Regulation	Reporting Requirements Summary	Reporting Stream
Alabama	Insurance Fraud: Code of Ala. § 27-12A-21	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Fraud Bureau.	DOI's Fraud Bureau receives insurance fraud reporting information from FBRP through OFRS.
Alaska	Insurance Fraud: Alaska Stat. § 21.36.390	Requires an insurer to report suspected insurance fraud to the Director of the Division of Insurance.	DOI's Insurance Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Arizona	Insurance Fraud: A.R.S. § 20-466 A.R.S. § 20-1902 AZ Circular Letter 1998-11	Requires an insurer to report suspected insurance fraud to the Department of Insurance & Financial Institutions, Insurance Fraud Unit.	DOIFI's Insurance Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Arkansas	Insurance Fraud: A.C.A. § 23-66-505 054 00 CARR 067 AR Bulletin 7-97	Requires an insurer to report suspected insurance fraud to the Insurance Department, Criminal Investigation Division.	DOI's Criminal Investigation Division receives insurance fraud reporting information from FBRP through OFRS.
California	Insurance Fraud: Cal Ins Code § 1872.4 10 CCR 2698.37 10 CCR 2698.38 Auto Theft Fraud: Cal Ins Code § 1874.2	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Fraud Division, within 60 days. Requires an insurer to report suspected criminal or fraudulent acts relating to a motor vehicle theft or motor vehicle insurance claim to an authorized agency.	DOI's Fraud Division receives insurance fraud reporting information directly from FBRP.
Colorado	Insurance Fraud: C.R.S. 10-1-128 3 CCR 702-6:6-5-1	Requires an insurer to report suspected insurance fraud to the Office of the Attorney General, Insurance Fraud Unit within 60 days.	The Office of the Attorney General, Insurance Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Connecticut	Motor Vehicle Fraud: Conn. Gen. Stat. § 38a-356 Conn. Gen. Stat. § 38a-357 Life: Conn. Gen. Stat. § 38a-465j Health: Conn. Gen. Stat. § 53-445	Provides an insurer may disclose info regarding motor vehicle insurance fraud to the Department of Emergency Services & Public Protection, Department of Motor Vehicles, or local police. Requires an insurer to any motor vehicle theft, larceny, or loss due to fire to report to NICB. NICB is designated as central report bureau by the Insurance Commissioner. Requires an insurer to report suspected health and life insurance fraud to the Commissioner.	DOI receives insurance fraud reporting information from FBRP through OFRS.
Delaware	Insurance Fraud: 18 Del. C. § 2408 DE Domestic/Foreign Insurer Bulletin No.15 Rev.d	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Insurance Fraud Prevention Bureau.	DOI's Insurance Fraud Prevention Bureau receives insurance fraud reporting information from FBRP through OFRS.
District of Columbia	Insurance Fraud: D.C. Code § 22-3225.08 DC Bulletin 99-FR-001	Requires an insurer to report suspected insurance fraud to the Metropolitan Police Department or the Department of Insurance, Securities, & Banking.	DOI receives insurance fraud reporting information from FBRP through OFRS.
Florida	Insurance Fraud: Fla. Stat. § 626.9891 69D-2.003, F.A.C.	Requires an insurer to report suspected insurance fraud to the Division of Investigative & Forensic Services, Bureau of Insurance Fraud.	DIFS' Bureau of Insurance Fraud receives insurance fraud reporting information directly from FBRP.
Georgia	Insurance Fraud: O.C.G.A. § 33-1-16	Requires an insurer to report suspected insurance fraud to the Insurance Commissioner, Fraud Investigation Division.	Office of the Insurance & Safety Fire Commissioner, Fraud Investigation Division receives insurance fraud reporting information from FBRP through OFRS.

State	Statutes / Regulation	Reporting Requirements Summary	Reporting Stream
Hawaii	Insurance Fraud: HRS § 431:2-409	Requires an insurer to report suspected insurance fraud to the Insurance Fraud Investigations Branch, within 60 days of discovery.	Department of Commerce & Consumer Affairs, Insurance Fraud Investigations Branch receives insurance fraud reporting information from FBRP through OFRS.
Idaho	Insurance Fraud: Idaho Code § 41-290 Idaho Code § 41-292	Requires an insurer to report suspected insurance fraud to the Director of Insurance, Investigations Section, within 60 days.	DOI's Investigations Section receives insurance fraud reporting information from FBRP through OFRS.
Illinois	Insurance Fraud: 215 ILCS 5/155.23 Auto Theft Fraud: 215 ILCS 5/155.24	Requires an insurer to report suspected insurance fraud to the Department of Insurance. Requires an insurer to report suspected criminal or fraudulent acts relating to a motor vehicle theft or motor vehicle insurance claim to an Illinois authorized governmental agency.	DOI receives insurance fraud reporting information from FBRP through OFRS.
Indiana	Auto Theft Fraud: Ind. Code § 27-2-14-2	Requires an insurer to report suspected fraudulent vehicle theft to State Police, local prosecuting attorney where theft occurred, or any law enforcement agency.	State Police receives insurance fraud reporting information from FBRP through OFRS.
Iowa	Insurance Fraud: Iowa Code § 507E.6 Prescription Drug Fraud: 191 IAC 59.9	Requires an insurer to report suspected insurance fraud to the Insurance Fraud Bureau, within 60 days. Requires a pharmacy benefits manager to report suspected insurance fraud to the Insurance Fraud Bureau within 60 days. g	Insurance Fraud Bureau receives insurance fraud reporting information from FBRP through OFRS.
Kansas	Insurance Fraud: K.S.A. § 40-2,118 KS Bulletin 2006-02	Requires an insurer to report suspected insurance fraud to the Insurance Department, Anti-Fraud Division.	DOI's Anti-Fraud Division receives insurance fraud reporting information from FBRP through OFRS.
Kentucky	Insurance Fraud: KRS § 304.47-050 806 KAR 47:010 KY Bulletin 2020-01	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Division of Insurance Fraud Investigation, within 14 days.	DOI's Division of Insurance Fraud Investigation receives insurance fraud reporting information from FBRP through OFRS.
Louisiana	Insurance Fraud: La. R.S. § 22:1926 La. R.S. § 40:1424	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Division of Insurance Fraud, within 60 days.	DOI's Division of Insurance Fraud receives insurance fraud reporting information from FBRP through OFRS.
Maine	Insurance Fraud: 24-A M.R.S. § 2186	Requires insurers to submit only an annual report with the Superintendent of Insurance. Insurer must report fraud it knew or reasonably believed was committed.	The Bureau of Insurance receives insurance fraud reporting information from FBRP through OFRS.
Maryland	Insurance Fraud: Md Insurance Code § 27-802 COMAR 31.04.15.05	Requires an insurer to report suspected insurance fraud to Insurance Administration, Insurance Fraud Division or appropriate federal, state, or local law enforcement.	Insurance Fraud Division receives insurance fraud reporting information from FBRP through OFRS.
Massachusetts	Insurance Fraud: St. 1990, c.338; St. 1991, c.398, §99; St. 1996, c.427, §13; and St. 2002, c.279, §5 ALM GL ch. 175i, § 13 Auto Theft Fraud: 211 CMR 75.08	Requires an insurer to report suspected insurance fraud to the Insurance Fraud Bureau, within 30 days. Requires an insurer to report suspected criminal or fraudulent acts relating to a motor vehicle theft or motor vehicle insurance claim to the appropriate law enforcement agency.	IFB receives insurance fraud reporting information from FBRP through OFRS.

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Michigan	Insurance Fraud: MCLS § 500.4507	Insurers “ <i>may</i> ” report suspected insurance fraud to the Department of Insurance & Financial Services, State Police, a county sheriff’s department, a local police department, or federal law enforcement.	DIFS’ Anti-Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Minnesota	Insurance Fraud: Minn. Stat. § 60A.952 Auto Theft Fraud: Minn. Stat. § 65B.81	Requires an insurer to report suspected insurance fraud to the Commerce Department, Commerce Fraud Bureau. Requires an insurer to report suspected criminal or fraudulent acts relating to a motor vehicle theft or insurance claim to an authorized agency.	CFB receives insurance fraud reporting information from FBRP through OFRS.
Mississippi	Insurance Fraud: Miss. Code § 7-5-307	Requires an insurer to report suspected insurance fraud to the Office of the Attorney General, Insurance Integrity Enforcement Bureau.	The Office of the Attorney General, Insurance Integrity Enforcement Bureau receives insurance fraud reporting information from FBRP through OFRS.
Missouri	Insurance Fraud: § 375.992 R.S.Mo.	Requires an insurer to report suspected insurance fraud to the Department of Insurance, within 60 days.	DOI receives insurance fraud reporting information from FBRP through OFRS.
Montana	Insurance Fraud: 33-1-1205, MCA 33-1-1303, MCA MT Bulletin 07-2020	Requires an insurer to report suspected insurance fraud to the Commissioner of Securities & Insurance, within 60 days.	Commissioner receives insurance fraud reporting information from FBRP through OFRS.
Nebraska	Insurance Fraud: R.R.S. Neb. § 44-393 Auto Theft Fraud: R.R.S. Neb. § 44-3,136	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Insurance Fraud Prevention Division. cc	IFPD receives insurance fraud reporting information from FBRP through OFRS.
Nevada	Insurance Fraud: Nev. Rev. Stat. § 679B.159 Nev. Rev. Stat. § 686A.283 Nev. Rev. Stat. § 686A.285	Requires an insurer to report suspected insurance fraud to the Commissioner of Insurance and Office of the Attorney General, Insurance Fraud Unit.	The Office of the Attorney General, Insurance Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
New Hampshire	Insurance Fraud: RSA 417:28 Auto Theft Fraud: RSA 405:61	Requires an insurer to report suspected insurance fraud to the Insurance Department, Fraud Unit within 60 days. Requires an insurer to report suspected criminal acts re motor vehicle theft to local or state law enforcement.	Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
New Jersey	Insurance Fraud: N.J. Stat. § 17:33A-9 Auto Theft Fraud: N.J. Stat. § 17:23-11 N.J.A.C. 11:16-2.4	Requires an insurer to report suspected insurance fraud to the Department of Bank & Insurance, Bureau of Fraud Deterrence and the Office of the Insurance Fraud Prosecutor. Requires an insurer to report suspected criminal or fraudulent acts re motor vehicle theft or claim to an authorized agency.	The Division of Investigative & Forensic Services, Bureau of Insurance Fraud insurance fraud reporting information directly from FBRP.
New Mexico	Insurance Fraud: N.M. Stat. § 59A-16C-6 13.4.2.26 NMAC	Requires an insurer to report suspected insurance fraud to the Office of the Superintendent of Insurance, Criminal Division.	IFB receives insurance fraud reporting information from FBRP through OFRS.

State	Statutes / Regulation	Reporting Requirements Summary	Reporting Stream
New York	Insurance Fraud: NY CLS Ins § 405 11 NYCRR § 86.5 Vehicle Repair Fraud: NY CLS Ins § 3411	Requires an insurer to report suspected insurance fraud to the Department of Financial Services, Criminal Investigations Unit, within 30 days. Requires an insurer to report suspected vehicle repair fraud to the Commissioner of Motor Vehicles.	DFS' CIU receives insurance fraud reporting information directly from the insurers. 11 NYCRR § 86.5 describes the form required for an insurer to report suspected insurance fraud to DFS' CIU.
North Carolina	Insurance Fraud: N.C. Gen. Stat. § 58-2-163	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Criminal Investigations Division.	DOI's Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
North Dakota	Insurance Fraud: ND Cent Code § 26.1-02.1-06 ND Admin Code 45-15-01-01	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Insurance Fraud Unit, within 60 days.	DOI's IFU receives insurance fraud reporting information from FBRP through OFRS.
Ohio	Insurance Fraud: ORC 3999.42 OAC 3901-1-54 OH Bulletin 2008-09 Vehicle / Vessel Fraud: ORC 3937.42	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Fraud Unit, within 60 days. Requires an insurer to report suspect motor vehicle or vessel fraud to law enforcement or county a prosecutor.	DOI's Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Oklahoma	Insurance Fraud: 36 Okl. St. § 363 Auto Theft Fraud: 74 Okl. St. § 150.7c	Requires insurer to report suspected insurance fraud to the Insurance Department, Anti-Fraud Unit or the Office of the Attorney General, Workers' Comp & Insurance Fraud Unit. Requires insurers to report suspected criminal or fraudulent acts re motor vehicle theft or insurance claim to an authorized agency.	Anti-Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Oregon	Insurance Fraud: ORS § 731.592	Requires an insurer to report suspected criminal conduct involving insurance to any LE agency.	State receives insurance fraud reporting information from FBRP through OFRS.
Pennsylvania	Insurance Fraud: 40 P.S. § 325.44 75 Pa.C.S. § 1817 PA Notice 2016-04	Requires an insurer to report suspected insurance fraud to the Office of the Attorney General, Insurance Fraud Prevention Division, within 30 days.	The Division of Investigative & Forensic Services, Bureau of Insurance Fraud receives insurance fraud reporting information directly from FBRP.
Rhode Island	Insurance Fraud: R.I. Gen. Laws § 27-54-4 R.I. Gen. Laws § 27-54.1-5 RI Insurance Bulletin 2010-3 Auto Theft Fraud: R.I. Gen. Laws § 27-49-3	Requires an insurer to report suspected insurance fraud to the Department of Public Safety, Office of Auto Theft & Insurance Fraud, within 10 days. Requires an insurer to report suspected criminal or fraudulent acts re motor vehicle theft or claim to an authorized agency.	The Department of Public Safety, Office of Auto Theft & Insurance Fraud receives insurance fraud reporting information from FBRP through OFRS.
South Carolina	Insurance Fraud: S.C. Code § 38-55-570 Auto Theft Fraud: S.C. Code § 38-77-1130	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Insurance Fraud Division. Requires an insurer to report suspected criminal or fraudulent acts re motor vehicle theft or claims to an authorized agency.	Insurance Fraud Division receives insurance fraud reporting information from FBRP through OFRS.

State	Statutes / Regulation	Reporting Requirements Summary	Reporting Stream
South Dakota	Insurance Fraud: SD Codified Laws § 58-33-76	Provides an insurer may report suspected insurance fraud to the Department of Labor & Regulation, the Attorney General, any state's attorney, any federal agency, or any county or municipality.	The Office of the Attorney General, Insurance Fraud Prevention Unit receives insurance fraud reporting information from FBRP through OFRS.
Tennessee	Insurance Fraud: Tenn. Code § 56-53-109 TN Bulletin 9-20-96 Life: Tenn R & Reg 0780-1-71-.07	Requires an insurer to report suspected insurance fraud to the Department of Commerce & Insurance. Requires an insurer to report suspect life insurance fraud to the Commissioner of Insurance.	DCI receives insurance fraud reporting information from FBRP through OFRS.
Texas	Insurance Fraud: Tex. Ins. Code § 701.051 Tex. Ins. Code § 701.109 TX Bulletin B-0005-08	Requires an insurer to report suspected insurance fraud to the Department of Insurance, Insurance Fraud Unit, within 30 days.	Insurance Fraud Unit receives insurance fraud reporting information from FBRP through OFRS.
Utah	Insurance Fraud: Utah Code § 31A-31-110 U.A.C. R590-248-3 U.A.C. R590-248-4	Requires an insurer to report suspected insurance fraud to the Insurance Department, Insurance Fraud Division, within 90 days.	Insurance Fraud Division receives insurance fraud reporting information from FBRP through OFRS.
Vermont	Insurance Fraud: 8 V.S.A. § 4750	Requires an insurer to report suspected insurance fraud to the Department of Financial Regulation.	DFR receives insurance fraud reporting information from FBRP through OFRS.
Virginia	Insurance Fraud: Va. Code § 52-40	Requires an insurer to report suspected insurance fraud to the State Police, Insurance Fraud Division.	VSP receives insurance fraud reporting information directly from FBRP.
Washington	Insurance Fraud: RCW § 48.50.030 RCW § 48.135.050	Requires an insurer to report suspected insurance fraud to the Office of the Insurance Commissioner, Criminal Investigations Division.	CID receives insurance fraud reporting information from FBRP through OFRS.
West Virginia	Insurance Fraud: W. Va. Code § 33-41-5 W. Va. CSR § 114-71-3 WV Informational Letter 154	Requires an insurer to report suspected insurance fraud to the Office of the Insurance Commissioner, Special Investigations Division, within 14 days.	The Office of the Insurance Commissioner, Special Investigations Division receives insurance fraud reporting information from FBRP through OFRS.
Wisconsin	No Provision	No Provision	No Provision
Wyoming	No Provision	No Provision	No Provision

June 2023

COMMISSIONER OF SECURITIES & INSURANCE

MATTHEW M. ROSENDALE, SR.
COMMISSIONER



OFFICE OF THE
MONTANA STATE AUDITOR

INFORMATIONAL BULLETIN

To: ALL INTERESTED PERSONS

From: MATTHEW M. ROSENDALE, SR.
Commissioner of Securities and Insurance, Montana State Auditor

Date: July 27, 2020

INSURANCE FRAUD REPORTING

The Commissioner's goal is to establish and maintain good working relationships with those in the insurance industry and together reduce and eliminate insurance fraud. This Informational Bulletin addresses the statutory requirement to report suspected insurance fraud, how fraud reports (sometimes referred to as "referrals") can be made, tips for providing an effective fraud report, the duty to cooperate, and immunity from liability.

Statutory Requirement to Report Suspected Insurance Fraud

Those in the insurance industry are required to make referrals of suspected fraud:

Mont. Code Ann. § 33-1-1303. Reporting requirements. (1) An insurer, insurance producer, or other person who has reason to believe that insurance, viatical settlement, medical care discount card, or pharmacy discount card fraud has occurred shall report the suspected fraud to the commissioner or to the insurance producer's or other person's insurer within 60 days of discovery of the occurrence. An insurer shall review a report given to the insurer, and if the insurer determines that there is a reasonable likelihood that fraud has occurred the insurer shall forward the report to the commissioner within 30 days of receipt.

How to Report Suspected Insurance Fraud

Insurance Professionals (insurers, producers, adjusters, and consultants) should report fraud through the National Association of Insurance Commissioners (NAIC) Online Fraud Reporting System (OFRS) located at: <https://eapps.naic.org/ofrs/>

The OFRS system can also be accessed through a link on Montana Commissioner of Securities and Insurance website: <https://csimt.gov/insurance/report-fraud/>

Insureds and other interested parties who wish to report fraud may do so by completing a fraud referral form available on the Montana Commissioner of Securities and Insurance website: <https://csimt.gov/insurance/report-fraud/>. The completed form can be emailed, mailed or faxed to the CSI as the form directs.

Providing an Effective Fraud Report

An effective fraud referral is complete, current, accurate and concise.

Insurance Professionals: When submitting a report through the NAIC OFRS, please note the following best practices:

- Identify the person most knowledgeable of the suspected fraud as the “Reporting Person.” Include their direct telephone number and email address. Include also the name of the insurance company and its NAIC number.
- The “Subject” is the alleged suspect of the fraud referral. Include as much identifying information as possible: (e.g. full name, SSN, DOB, address, telephone, etc.).
- The “Claim/Incident Information” should include the claim and policy numbers, date and location of loss, amount paid or exposure amounts.
- Identify all “Evidence” obtained including any existing exculpatory evidence.
- Provide a list of “Suspected Fraud Types.” (For example, “material misrepresentation in recorded interview” or “application misrepresentation.”)
- The “Detailed Synopsis” should be thorough and concise. Summarize the details of the claim, alleged fraud that occurred, and claim resolution.
- Identify any “Additional Parties” including witness names and contact information.

Insureds and Interested Parties: When submitting a fraud report, the following tips help the Commissioner’s office:

- Please be as detailed as possible when completing the form. Please include dates, times, names and a summary of the suspected fraud.
- Follow the 5 W’s: Who, What, Where, When and Why when completing your report.
- Be sure to check the box indicating the type of fraud if known.
- Provide your name and up to date contact information, so we can contact you if we have questions.

Duty to Cooperate

Those in the insurance industry are required to cooperate with the Commissioner throughout the investigation. Cooperation includes responding to telephone calls, emails, requests for information and communicating status of requests.

Mont. Code Ann. § 33-1-1205. Duties of authorized insurers, adjusters, administrators, consultants and producers – notice exception.

(1) Each insurer, independent adjuster, independent administrator, independent consultant, and independent producer shall cooperate fully with the commissioner with respect to the provisions of this part [Title 33, Chapter 1, Part 12 – Insurance Fraud Protection].

All information requested by the Commissioner in connection with an investigation must be provided. This includes, but is not limited to, the entire claim and Special Investigations Unit (SIU) file, including all video/audio recordings, transcripts, application, certified copy of policy, photo metadata, etc.

Electronic transmissions (submitted via email or the State's ePass system) are preferred over hard copy.

The Insurance Code may provide immunity from liability for cooperating with an investigation and providing requested information:

Mont. Code Ann. § 33-1-1210. Immunity from liability. (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.

It's important to understand that insurance professionals have a statutory duty to report suspected fraud and to cooperate with investigations, and that there are certain statutory protections in place for those who do report to provide relief from liability in certain circumstances.

For More Information

We appreciate the efforts of insurance professionals, insureds, and other interested parties in reporting suspected fraud to the Commissioner's office. We hope this informational bulletin has provided you with helpful information you can use when completing a fraud referral. Should you have any questions or need additional information, please contact Investigations Bureau Chief, Ted Bidon, at tbidon@mt.gov or 406-444-2040.