

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Insurance fraud act.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to insurance; defining conduct that
2 constitutes a fraudulent insurance act and an unlawful
3 insurance act; providing criminal penalties; providing
4 administrative penalties; providing civil remedies;
5 providing for disclosure of information related to
6 violations; providing immunity; and providing for an
7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 26-57-101 through 26-57-108 are
12 created to read:

1

2

CHAPTER 57

3

INSURANCE FRAUD ACT

4

5

26-57-101. Definitions.

6

7

(a) As used in this chapter:

8

9

(i) "Actual malice" means knowledge that information is false or reckless disregard that information is false;

12

13

(ii) "Conceal" or "concealment" means to take affirmative action to prevent others from discovering information. "Concealment" shall not mean:

16

17

(A) Inadvertent or unintentional failure to disclose information;

19

20

(B) Action by the holder of a legal privilege, or by a person who has a reasonable belief that a privilege exists, to prevent discovery of privileged information.

23

1
2 (iii) "Insurance policy" means the written
3 instrument that sets forth the terms of any certificate of
4 insurance, binder of coverage or contract of insurance
5 including a certificate, binder or contract issued by a
6 state-assigned risk plan, benefit plan, nonprofit hospital
7 service plan, motor club service plan or surety bond, cash
8 bond or any other alternative to insurance authorized in
9 this state. "Insurance policy" includes any other
10 instruments authorized or regulated by the department;

11

12 *****
13 *****
14 STAFF COMMENT
15 The definition above is different from the definitions of
16 "insurance" and "policy" for the insurance code. Those
17 definitions are included below for Committee discussion:

18

19 W.S. 26-1-102(a)(xv) "Insurance" means a contract in which
20 one undertakes to indemnify another against loss, damage or
21 liability arising from determinable hazards or fortuitous
22 occurrences or to pay or allow a specified amount or
23 determinable benefit in connection with ascertainable risk
24 contingencies;

25

26 W.S. 26-1-102(a)(xxi) "Policy" means the written contract
27 of or written agreement for or effecting insurance, by
28 whatever name called, and includes all clauses, riders,
29 endorsements and papers which are a part thereof;

30 *****

31 *****

32

1 (iv) "Insurance professional" means sales
2 agents, managing general agents, brokers, producers,
3 adjusters, investigators, examiners, consultants and third-
4 party administrators. An "insurance professional" may be a
5 direct employee, independent contractor or any other
6 similar status of person providing service to the insurance
7 company;

8
9 (v) "Insurance transaction" means a transaction
10 by, between or among an insurer, or a person who acts on
11 behalf of an insurer, and an insured, claimant, applicant
12 for insurance, public adjuster, insurance professional,
13 practitioner or any person who acts on behalf of any of the
14 foregoing, for the purpose of obtaining insurance or
15 reinsurance, calculating insurance premiums, submitting a
16 claim, negotiating or adjusting a claim or otherwise
17 obtaining insurance, self-insurance or reinsurance or
18 obtaining the benefits from an insurance policy;

19
20 *****
21 *****

22 **STAFF COMMENT**

23 **The definition above is different from the definition of**
24 **"transact" for the rest of the insurance code. That**
25 **definition is included below for Committee discussion:**
26

1 W.S. 26-1-102(a)(xxx) "Transact" with respect to a
2 business of insurance means:

- 3 (A) Solicitation or inducement;
4 (B) Negotiations;
5 (C) Carrying out of a contract of insurance;
6 (D) Transaction of matters subsequent to the carrying
7 out and arising out of a contract of insurance; or
8 (E) Any other aspects of insurance operations to
9 which this code applies.

10 *****
11 *****
12 *****
13 *****

14 (vi) "Insurer" means any person purporting to
15 engage in the business of insurance or authorized to do
16 business in the state or subject to regulation by the state
17 who undertakes to indemnify another against loss, damage or
18 liability arising from a contingent or unknown event.
19 "Insurer" includes, but is not limited to, an insurance
20 company, self-insurer, reinsurer, reciprocal exchange,
21 interinsurer, risk retention group, Lloyd's insurer,
22 fraternal benefit society, surety, medical service, dental,
23 optometric or any other similar health service plan and any
24 other person engaged or purportedly engaged in the business
25 of insurance, including any person or entity that falls
26 within the definition of "insurer" as provided in W.S. 26-
27 1-102(a)(xvi);

28

1 *****

2 *****

3 STAFF COMMENT

4 The definition of insurer in W.S. 26-1-102(a)(xvi) states:
5 "Except as otherwise provided in W.S. 26-22-501 through 26-
6 22-503, "insurer" means any person engaged as indemnitor,
7 surety or contractor in the business of entering into
8 contracts of insurance or of annuity;"

9 *****

10 *****

11
12 (vii) "Pattern or practice" means repeated,
13 routine or generalized in nature and not isolated or
14 sporadic and may include acts in this state or any other
15 jurisdiction;

16
17 (viii) "Practitioner" means a person licensed
18 under the laws of this state, or under the laws of another
19 jurisdiction, to:

20
21 (A) Practice medicine, osteopathy, surgery,
22 psychology, chiropractic, pharmacology or other health
23 professions;

24
25 (B) Provide non-medical treatment rendered
26 in accordance with any other recognized method of healing;

27

1 (C) Provide other services that are
2 compensated either in whole or in part, directly or
3 indirectly, by insurance proceeds, including but not
4 limited to automotive repair shops, building contractors
5 and insurance adjusters.

6
7 (ix) "Premium" means consideration paid or
8 payable for coverage, or benefits, under an insurance
9 policy. "Premium" includes any payments, whether due within
10 the insurance policy term or otherwise, and deductible
11 payments whether advanced by the insurer or insurance
12 professional and subject to reimbursement by the insured or
13 otherwise, any self-insured retention or payments, whether
14 advanced by the insurer or insurance professional and
15 subject to reimbursement by the insured or otherwise, and
16 any collateral or security to be provided to collateralize
17 obligations to pay any of the above;

18
19 *****
20 *****

21 **STAFF COMMENT**

22
23 **The definition above is different from the definition of**
24 **"premium" for the rest of the insurance code. That**
25 **definition is included below for Committee discussion:**
26

1 (xxii) "Premium" means the consideration for insurance, by
2 whatever name called, and any assessment, membership,
3 policy, survey, inspection, service or similar fee or other
4 charge in consideration for an insurance contract is part
5 of the premium;
6

7 *****
8 *****
9

10 (x) "Premium finance company" means a person
11 engaged or purporting to engage in the business of
12 advancing money, directly or indirectly, to an insurer or
13 producer at the request of an insured pursuant to the terms
14 of a premium finance agreement, including but not limited
15 to loan contracts, notes, agreements or obligations where
16 the insured has assigned the unearned premiums, accrued
17 dividends or loss payments as security for the advancement
18 in payment of premiums on insurance policies only and
19 excluding the financing of insurance premiums purchased in
20 connection with the financing of goods and services;
21

22 (xi) "Premium finance transaction" means a
23 transaction by, between or among an insured, a producer or
24 other party claiming to act on behalf of an insured and a
25 premium finance company for the purposes of purportedly or
26 actually advancing money directly or indirectly to an
27 insurer or producer at the request of an insured pursuant

1 to the terms of a premium finance agreement where the
2 insured has assigned the unearned premiums, accrued
3 dividends or loan payments as security for the advancement
4 in payment of premiums on insurance policies only and
5 excluding the financing of insurance premiums purchased in
6 connection with the financing of goods and services;

7
8 (xii) "Reckless" means without reasonable belief
9 of the truth. For the purposes of W.S. 26-57-103(a)(iii),
10 "reckless" means with a high degree of awareness of
11 probable insolvency.

12
13 (xiii) "Withhold" means to fail to disclose
14 facts or information which any law, or regulation requires
15 to be disclosed, provided that "withholding" does not
16 include a failure to disclose information if the person
17 failing to disclose reasonably believes that there is no
18 duty to disclose.

19
20 **26-57-102. Fraudulent insurance act; crime.**

21
22 (a) Any person who, knowingly and with intent to
23 defraud or for the purpose of falsely depriving another of

1 property or for pecuniary gain, commits any of the
2 following acts, has committed a fraudulent insurance act:

3
4 (i) Presents, causes to be presented or prepares
5 with knowledge or belief that it will be presented, by or
6 on behalf of an insured, claimant or applicant to an
7 insurer, insurance professional or premium finance company
8 in connection with an insurance transaction or premium
9 finance transaction, any information that contains false
10 representations as to any material fact or that withholds
11 or conceals a material fact concerning any of the
12 following:

13
14 (A) The application for, rating of, or
15 renewal of, any insurance policy;

16
17 (B) Any claim, whether in whole or in part,
18 for payment or benefit pursuant to any insurance policy;

19
20 (C) Payments made in accordance with the
21 terms of any insurance policy;

1 (D) Any application used in any premium
2 finance transaction.

3
4 (ii) Presents, causes to be presented or
5 prepares with knowledge or belief that it will be presented
6 to or by an insurer, insurance professional or a premium
7 finance company in connection with an insurance transaction
8 or premium finance transaction, any information that
9 contains false representations as to any material fact or
10 that withholds or conceals a material fact, concerning any
11 of the following:

12
13 (A) Any solicitation for sale of any
14 insurance policy or purported insurance policy;

15
16 (B) An application for a certificate of
17 authority;

18
19 (C) The financial condition of any insurer;

20
21 (D) The acquisition, formation, merger,
22 affiliation or dissolution of any insurer.

23

1 (iii) Presents, causes to be presented, or
2 prepares with knowledge or belief that it will be
3 presented, to or by an insured, insurer, insurance
4 professional or a premium finance company in connection
5 with an insurance transaction or premium finance
6 transaction, a statement, estimate, invoice, bid, proposal,
7 proof of loss or any other document that misrepresents the
8 scope of damages or costs of repairs associated with a
9 property insurance claim;

10

11 (iv) Solicits or accepts new or renewal
12 insurance risks by or for an insolvent insurer;

13

14 (v) Removes the assets or records of assets,
15 transactions and affairs of an insurer, or a material part
16 of those assets or records, from the home office or other
17 place of business of the insurer, or from the place of
18 safekeeping of the insurer, or destroys, withholds or
19 conceals those records from the department;

20

21 (vi) Diverts, misappropriates, converts or
22 embezzles funds of an insurer, insured, claimant or
23 applicant for insurance in connection with:

1

2 (A) Any insurance transaction;

3

4 (B) Any claim for payment or benefit
5 pursuant to any insurance policy;

6

7 (C) The conduct of business activities by
8 an insurer or insurance professional;

9

10 (D) The acquisition, formation, merger,
11 affiliation or dissolution of any insurer.

12

13 (b) It shall be unlawful for any person to commit, or
14 to attempt to commit, or to aid assist, abet or solicit
15 another to commit, to conspire to commit or to permit the
16 person's employee or agent to commit any fraudulent
17 insurance act under this section.

18

19 **26-57-103. Unlawful insurance act; crime.**

20

21 (a) Any person who commits any of the following acts
22 with an intent to induce reliance, has committed an
23 unlawful insurance act:

1

2 (i) Presents, causes to be presented or prepares
3 with knowledge or belief that it will be presented, by or
4 on behalf of an insured, claimant or applicant to an
5 insurer, insurance professional or a premium finance
6 company in connection with an insurance transaction or
7 premium finance transaction, any information that the
8 person knows to contain false representations, or
9 representations the falsity of which the person has
10 recklessly disregarded, as to any material fact, or which
11 withholds or conceals a material fact, concerning any of
12 the following:

13

14 (A) Any application for securing, rating of
15 or renewal of any insurance policy;

16

17 (B) Any claim, in whole or in part, for
18 payment or benefit pursuant to any insurance policy;

19

20 (C) Payments made in accordance with the
21 terms of any insurance policy;

22

1 (D) Any application for the financing of
2 any insurance premium.

3
4 (ii) Presents, causes to be presented, or
5 prepares with knowledge or belief that it will be presented
6 to or by an insurer, insurance professional or a premium
7 finance company in connection with an insurance transaction
8 or premium finance transaction, any information that the
9 person knows to contain false representations, or
10 representations the falsity of which the person has
11 recklessly disregarded, as to any material fact, or that
12 withholds or conceals a material fact, concerning any of
13 the following:

14
15 (A) Any solicitation for sale of any
16 insurance policy or purported insurance policy;

17
18 (B) Any application for a certificate of
19 authority;

20
21 (C) The financial condition of any insurer;

22

1 (D) The acquisition, formation, merger,
2 affiliation or dissolution of any insurer.

3

4 (iii) Solicits or accepts new or renewal
5 insurance risks by or for an insurer that the person knows
6 was insolvent or the insolvency of which the person
7 recklessly disregards.

8

9 (b) It shall be unlawful for any person to commit, or
10 to attempt to commit, or to aid assist, abet or solicit
11 another to commit, to conspire to commit or to permit the
12 person's employee or agent to commit any unlawful insurance
13 act under this section.

14

15 **26-57-104. Penalties; restitution.**

16

17 (a) Any person who commits a fraudulent insurance act
18 in violation of W.S. 26-57-102 is guilty of:

19

20 (i) A felony punishable by imprisonment for not
21 more than ten (10) years, a fine of not more than ten
22 thousand dollars (\$10,000.00), or both, if the value of
23 property, services or other benefits the person wrongfully

1 obtained, or attempted to obtain is one thousand dollars
2 (\$1,000.00) or more or if the segregate or aggregate
3 economic loss suffered by any person or persons as a result
4 of the violation of W.S. 26-57-102 is one thousand dollars
5 (\$1,000.00) or more;

6
7 (ii) A misdemeanor punishable by imprisonment
8 for not more than six (6) months, a fine of not more than
9 seven hundred fifty dollars (\$750.00), or both, if the
10 value of property, services or other benefits the person
11 wrongfully obtained, or attempted to obtain is less than
12 one thousand dollars (\$1,000.00) or if the segregate or
13 aggregate economic loss suffered by any person or persons
14 as a result of the violation of W.S. 26-57-102 is less than
15 one thousand dollars (\$1,000.00).

16
17 *****

18 *****

19 **STAFF COMMENT**

20 The drafting note in the model act stated that "It is the
21 intent of the coalition that the criminal penalties for
22 fraudulent insurance acts should track the existing
23 criminal penalties for similar crimes or fraudulent acts.

24
25 The penalty above matches the penalties for defrauding
26 creditors (W.S. 6-3-607), fraud by check (W.S. 6-3-702),
27 unlawful use of credit card (W.S. 6-3-802) and theft of
28 identity (W.S. 6-3-901(c)).
29

1 The default criminal penalty for violations of the
2 insurance code is found in W.S. 26-1-107:

3
4 (a) Each violation of this code for which a greater
5 penalty is not provided by another provision of this code
6 or by other applicable laws of this state, in addition to
7 any applicable prescribed denial, suspension or revocation
8 of certificate of authority or license, is a misdemeanor
9 punishable upon conviction by a fine of not more than one
10 thousand dollars (\$1,000.00), or by imprisonment in the
11 county jail for not more than six (6) months, or both. Each
12 violation is a separate offense.

13
14 The Committee could consider alternative or additional
15 penalties for different dollar amounts.

16
17 *****
18 *****
19

20 (b) Any person convicted of a violation under
21 subsection (a) of this section may be ordered to make
22 monetary restitution for any financial loss or damages
23 sustained by any person as a result of the violation.
24 Financial loss or damage shall include, but is not limited
25 to, loss of earnings, expenses, paid deductible amounts
26 under an insurance policy, insurer claim payments, all
27 costs reasonably attributable to investigations, legal
28 actions and recovery efforts including reasonable
29 attorney's fees and all costs of prosecution. When
30 restitution is ordered under this subsection, the court
31 shall determine its extent and methods. Restitution may be
32 imposed in addition to any fine or penalty authorized by

1 law but shall not be imposed in lieu of a fine or penalty.
2 The court shall determine whether restitution, if ordered,
3 shall be paid in a single payment or installments and shall
4 fix a period of time for full payment of restitution under
5 this subsection. To the extent permissible under federal
6 bankruptcy law, it is the intent that restitution under
7 this subsection shall not be dischargeable in any
8 bankruptcy or similar proceeding.

9

10 **26-57-105. Administrative penalties.**

11

12 (a) Any practitioner convicted under W.S. 26-57-
13 104(a) shall be deemed to have committed an act involving
14 moral turpitude that is inimical to the public wellbeing.
15 The court shall notify the appropriate licensing authority
16 in this state of the conviction for appropriate
17 disciplinary action by that licensing authority and may
18 notify appropriate licensing authorities in any other
19 jurisdictions where the practitioner is licensed. Any
20 victim may also provide notice of the conviction to any
21 licensing authorities in this state or any other
22 jurisdiction where the practitioner is licensed. A
23 licensing authority in this state that receives notice

1 under this subsection shall hold an administrative hearing
2 or take other appropriate administrative action authorized
3 by state law to consider the imposition of administrative
4 sanctions, up to and including license revocation as
5 provided by law.

6
7 (b) No person convicted of a felony involving
8 dishonesty or breach of trust shall participate in the
9 business of insurance or be eligible for any state
10 licensure in any capacity related to the business of
11 insurance. No person in the business of insurance shall
12 knowingly or intentionally permit a person convicted of a
13 felony involving dishonesty or breach of trust to
14 participate in the business of insurance.

15
16 **26-57-106. Civil remedies; exclusivity of remedies.**

17
18 (a) Any person injured in his person, business or
19 property by reason of a violation of W.S. 26-57-103 may
20 recover from the person who violated W.S. 26-57-103, in any
21 appropriate court of this state, the following:

1 (i) The return of any profit, benefit,
2 compensation or payment received by the person violating
3 W.S. 26-57-103 that directly resulted from the violation;
4

5 (ii) Reasonable attorney's fees, related legal
6 expenses, including internal legal expenses, and court
7 costs.
8

9 (b) No action maintained under subsections (a) or (c)
10 of this section shall be certified as a class action or be
11 made part of a class action.
12

13 (c) Subject to subsections (d) and (e) of this
14 section, any person injured in his or her person, business
15 or property by reason of a violation of W.S. 26-57-102 may
16 recover therefor from the person who violated W.S. 26-57-
17 102, in any appropriate court of this state, the following:
18

19 (i) The return of any profit, benefit,
20 compensation or payment received by the person violating
21 W.S. 26-57-102 that directly resulted from the violation;
22

1 (ii) Reasonable attorney's fees, related legal
2 expenses, including internal legal expenses, and court
3 costs;

4
5 (iii) All other economic damages directly
6 resulting from the violation of W.S. 26-57-102;

7
8 (iv) Reasonable investigative fees based on a
9 reasonable estimate of the time and expense incurred in the
10 investigation of the violation of W.S. 26-57-102;

11
12 (v) Exemplary damages of not more than five
13 thousand dollars (\$5,000.00).

14
15 (d) If shown by clear and convincing evidence that
16 the violation of W.S. 26-57-102 was part of a pattern
17 practice of violations, a person injured by the violation
18 shall be entitled to recover three (3) times the damages
19 authorized under paragraph (c)(i) of this section together
20 with all other damages authorized under subsection (c) of
21 this section provided that one-third (1/3) of the treble
22 damages awarded under this subsection shall be payable to
23 the department to be used solely by the department for the

1 purpose of investigation and prosecution of violations of
2 this chapter or other fraudulent behavior relating to
3 insurance transactions and for public education relating to
4 insurance fraud. An action maintained under this subsection
5 shall not be certified as class action or made part of a
6 class action unless the violation of W.S. 26-57-102
7 resulted in criminal conviction under W.S. 26-57-104.

8
9 (e) Any damages authorized under subsections (c) or
10 (d) of this section shall be reduced by any restitution
11 ordered by a court under W.S. 26-57-104(b).

12
13 (f) The attorney general shall have authority to
14 maintain civil proceedings under this section on behalf of
15 the department.

16
17 (g) In any action under this section, the court shall
18 proceed as soon as practicable to the hearing and
19 determination of the action. Pending final determination of
20 any action under this subsection, the court may at any time
21 enter restraining orders or prohibitions, require
22 satisfactory performance bonds or take other actions as the
23 court may deem proper.

1

2 (h) If a prosecution under W.S. 26-57-104 is pending,
3 the court shall have authority to stay or limit proceedings
4 in any civil action under this section regarding the same
5 or related conduct.

6

7 (j) Any cause of action under this section shall be
8 brought not more than three (3) years after the commission
9 of the acts constituting the violation or not more than
10 three (3) years after the plaintiff discovered or with
11 reasonable diligence could have discovered the acts
12 constituting the violation, whichever is later.

13

14 (k) No insurer shall pay damages awarded under this
15 section on behalf of an insured or provide a defense or
16 money for a defense on behalf of an insured under this
17 section under a contract of insurance or indemnification.
18 No third party who asserts a claim against an insured shall
19 have a cause of action under this section against the
20 insurer of the insured arising out of the insurer's
21 processing or settlement of the third party's claim. No
22 obligee under a surety bond shall have a cause of action
23 under this section against the surety arising out of the

1 surety's processing or settlement of the obligee's claim
2 against the bond.

3

4 (m) Any person injured in his person, business or
5 property by reason of a violation of W.S. 26-57-102 or 26-
6 57-103 may recover under only one (1) of the subsections of
7 this section.

8

9 (n) The remedies provided in this section shall be
10 the only private remedies for violations of this chapter
11 and no additional remedies shall be implied. No remedies
12 available under this section shall be used in conjunction
13 with or in addition to any other remedies available at law
14 or in equity to duplicate recovery for the same element of
15 economic damage. However, nothing in this subsection shall
16 limit or abrogate any right of action that may exist in the
17 absence of this chapter, but that action shall not rely on
18 this chapter to establish a standard of conduct or for any
19 other purpose.

20

21 **26-57-107. Cooperation.**

22

1 (a) Any insurer or insurance professional that has
2 reasonable belief that an act violating W.S. 26-57-102 or
3 26-57-103 will be, is being or has been committed shall
4 furnish and disclose upon request any information in its
5 possession concerning that act to the appropriate law
6 enforcement official or authority, the department or a
7 state or federal regulatory or licensing authority, subject
8 to any legal privilege protecting the information.

9
10 (b) Any person that has a reasonable belief that an
11 act violating W.S. 26-57-102 or 26-57-103 will be, is being
12 or has been committed, may furnish and disclose any
13 information in its possession concerning that act to a
14 representative of an insurer that requests the information
15 for the purpose of detecting, investigating, prosecuting or
16 preventing insurance fraud subject to any legal privilege
17 protecting the information.

18
19 (c) If any law enforcement official, the department
20 or a state or federal regulatory or licensing authority
21 requests information related to an investigation or
22 prosecution of allegations of potential insurance fraud
23 under this chapter, an insurer or insurance professional

1 shall take all reasonable actions to provide any
2 information in its possession, subject to any legal
3 privilege protecting the information.

4
5 (d) Any insurer or insurance professional failing or
6 refusing to cooperate with a request under subsection (c)
7 of this section shall, subject to the court's discretion,
8 forfeit any eligibility for restitution under this chapter
9 resulting from the governmental investigation or
10 prosecution.

11
12 **26-57-108. Immunity.**

13
14 (a) In the absence of actual malice or actions that
15 are unlawful under state or federal law, no person shall be
16 subject to civil liability and no civil cause of action
17 shall arise under this chapter for any of the following:

18
19 (i) The disclosure of information related to
20 persons or conduct suspected of violating W.S. 26-57-102 or
21 26-57-103 to federal, state or local agencies or officials
22 or their agents, employees or designees;

1 (ii) The receipt or possession of information
2 related to persons or conduct suspected of violating W.S.
3 26-57-102 or 26-57-103 when the information was received
4 pursuant to and for the purpose of complying with the
5 provisions of this chapter;

6
7 (iii) The disclosure of information to any
8 organization, whether governmental or private, established
9 to detect and prevent fraudulent insurance acts or the
10 organization's agents, employees or designees or to any
11 recognized comprehensive database system approved by the
12 department;

13
14 *****
15 *****
16 STAFF COMMENT
17 With the inclusion of private organizations, it is unclear
18 if that would apply to a news organization or similar
19 organizations. It may be advisable to clarify specific
20 types of organizations that are intended to be covered by
21 this section.

22 *****
23 *****
24

25 (iv) The receipt or possession of information
26 received from any organization established to detect and
27 prevent fraudulent insurance acts or the organization's

1 agents, employees or designees or from a recognized
2 comprehensive database system approved by the department.

3
4 (b) The immunity granted in subsection (a) of this
5 section shall also apply to employees, contractors and
6 agents of insurers or insurance licensees whose
7 responsibilities include the investigation or disposition
8 of claims involving suspected violations of W.S. 26-57-102
9 or 26-57-103 when sharing information on acts or persons
10 suspected of violations with other insurers, insurance
11 licensees, entities or organizations or their employees or
12 other appropriate individuals or organizations whose
13 responsibilities include the investigation or disposition
14 of claims involving suspected violations of W.S. 26-57-102
15 or 26-57-103.

16
17 (c) State agencies and their employees or designees
18 shall not be subject to civil liability for disclosing
19 information identified in subsection (b) of this section.
20 No civil cause of action shall arise under this subsection
21 by the publication of a report or bulletin related to the
22 official activities of a state agency.

(d) If a civil action is brought against a person who is found to be immune from liability under this section, the person shall be entitled to recover reasonable attorney's fees and costs from the party who brought the action.

7 (e) Nothing in this section is intended to abrogate
8 or modify any common law or statutory immunity enjoyed by
9 any person.

11 **Section 2.** This act is effective July 1, 2027.

13 (END)