

State of Wisconsin



1995 Senate Bill 361

Date of enactment: **March 22, 1996**

Date of publication*: **April 5, 1996**

1995 WISCONSIN ACT 177

AN ACT to create 895.486 of the statutes; relating to: immunity for persons who report insurance fraud.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.486 of the statutes is created to read:

895.486 Civil immunity exemption; reports of insurance fraud. (1) In this section, "insurance fraud" means the presentation of any statement, document or claim, or the preparation of a statement, document or claim with the knowledge that the statement, document or claim will be presented, that the person knew or should have known contained materially false, incomplete or misleading information concerning any of the following:

- (a) An application for the issuance of an insurance policy.
- (b) A claim for payment, reimbursement or benefits payable under an insurance policy.
- (c) A payment made in accordance with the terms of an insurance policy.
- (d) A premium on an insurance policy.
- (e) The rating of an insurance policy.

(2) Any person who, absent malice, files a report with or furnishes information concerning suspected, anticipated, or completed insurance fraud is immune from civil liability for his or her acts or omissions in filing the report or furnishing the information to any of the following or to their agents, employees or designees:

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

SECTION 2. Initial applicability.

- (1) This act first applies to reports filed and information furnished on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].