



## 1995 SENATE BILL 361

October 3, 1995 - Introduced by Senators SCHULTZ, ROSENZWEIG, HUELSMAN, BUETTNER, DARLING, FITZGERALD, WELCH, ZIEN and BRESKE, cosponsored by Representatives ALBERS, FREESE, SILBAUGH, OURADA, SERATTI, POWERS, OTTE, AINSWORTH, LORGE, LADWIG, HAHN, DOBYNS, KREIBICH, JOHNSRUD, LEHMAN, RYBA, HANSON and CULLEN. Referred to Committee on Insurance.

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

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### *Analysis by the Legislative Reference Bureau*

This bill creates civil immunity for any person who files a report or furnishes information concerning insurance fraud to the groups concerned about insurance fraud, including the office of the commissioner of insurance, law enforcement officers, organizations established to detect and prevent insurance fraud and representatives of insurers that request the information. Under the bill, any information furnished by the person is confidential and may be made public only if required in a civil or criminal action. The bill allows a person who is immune from civil liability for furnishing information to collect costs, including attorney fees, if a civil action is commenced against the person for the furnishing of information.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3     **SECTION 1.** 895.486 of the statutes is created to read:  
4     **895.486 Civil immunity exemption; reports of insurance fraud.** (1) In  
5     this section, "insurance fraud" means the presentation of any statement, document  
6     or claim, or the preparation of a statement, document or claim with the knowledge  
7     that the statement, document or claim will be presented, that the person knew or

1 should have known contained materially false, incomplete or misleading  
2 information concerning any of the following:

3 (a) An application for the issuance of an insurance policy.

4 (b) A claim for payment, reimbursement or benefits payable under an  
5 insurance policy.

6 (c) A payment made in accordance with the terms of an insurance policy.

7 (d) A premium on an insurance policy.

8 (e) The rating of an insurance policy.

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

13 (a) The office of the commissioner of insurance.

14 (b) A law enforcement officer.

15 (c) The National Association of Insurance Commissioners.

16 (d) Any governmental agency established to detect and prevent insurance  
17 fraud.

18 (e) Any nonprofit organization established to detect and prevent insurance  
19 fraud.

20 (f) Any authorized representative of an insurer that requests the report or  
21 information for the purpose of detecting, prosecuting or preventing insurance fraud.

22 **(3)** Any information furnished by an insurer in response to a report or  
23 information furnished under sub. (2) is confidential and may be made public only if  
24 required in a civil or criminal action.

