

LEGISLATIVE BILL 78

Approved by the Governor April 14, 1987

Introduced by Barrett, 39

AN ACT relating to insurance; to define terms; to authorize and restrict the release and provision of certain information as prescribed; to provide powers and duties; to limit liability; and to provide a penalty.
Be it enacted by the people of the State of Nebraska,

Section 1. As used in this act, unless the context otherwise requires:

(1) Authorized agency shall mean the Nebraska State Patrol, a local governmental police department, a county sheriff's office, a county attorney, a municipal attorney, a United States district attorney, a duly constituted criminal investigative agency of the United States government, and the office of the Nebraska Attorney General;

(2) Insurer shall mean any insurance company, adjustor, or agent; and

(3) Relevant shall mean having a tendency to make the existence of any information that is of consequence to an investigation of motor vehicle theft or motor vehicle insurance fraud or a determination of such issue more probable or less probable than it would be without such information.

Sec. 2. Upon written request to an insurer by an authorized agency, an insurer or person acting on behalf of the insurer shall release to a requesting authorized agency any or all relevant information relating to any specific motor vehicle theft or motor vehicle insurance fraud which the insurer may possess. Relevant information may include, but shall not be limited to:

(1) Insurance policy information relevant to the motor vehicle theft or motor vehicle insurance fraud under investigation, including any application for such a policy;

(2) Policy premium records;

(3) History of previous claims made by the insured;

(4) Information relating to the investigation of the motor vehicle theft or motor vehicle insurance fraud, including statements of any person, proof of

loss, and notice of loss; and

(5) Any other relevant evidence or information which the authorized agency reasonably believes is important.

Sec. 3. When an insurer knows the identity of a person whom the insurer has probable cause to believe committed a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim or has knowledge of such a criminal or fraudulent act which the insurer reasonably believes has not been reported to an authorized agency and the suspected person is insured by the insurer, then for the purpose of notification and investigation the insurer or person acting on behalf of the insurer may notify, in writing, an authorized agency of such knowledge or reasonable belief and provide any additional relevant information in accordance with section 2 of this act.

Sec. 4. For purposes of this act, when an insurer provides any authorized agency with notice pursuant to section 3 of this act, such notice shall be deemed sufficient for all authorized agencies.

Sec. 5. The authorized agency which receives information pursuant to this act may release or provide such information to any other authorized agency.

Sec. 6. Any insurer which provides information to an authorized agency pursuant to this act shall have the right to request and receive relevant information from such authorized agency. The authorized agency shall provide the requested relevant information to the insurer or agent authorized by the insurer not more than thirty days after the completion of the agency's investigation.

Sec. 7. It shall be unlawful for any insurer, any person acting on behalf of the insurer, or an authorized agency to make any relevant information received or released under this act a public record except in a criminal or civil proceeding.

Sec. 8. Any insurer, any person acting on behalf of the insurer, an authorized agency, or any of their respective employees, who releases relevant information under this act with reasonable cause to believe the truth of such information, shall be immune from any civil or criminal liability for releasing such information.

Sec. 9. Any person violating any provision of this act shall be guilty of a Class IV misdemeanor.