

LEGISLATIVE BILL 399

Approved by the Governor March 9, 1987

Introduced by Lynch, 13; Barrett, 39

AN ACT relating to insurance; to define terms; and to provide immunity for certain acts.
Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this act, unless the context otherwise requires:

(1) Fraudulent insurance act shall mean an act committed by any person who knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer any written statement as part or in support of an application for the issuance of or the rating of an insurance policy for commercial insurance or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which he or she knows to contain materially false information concerning any fact material thereto or to conceal, for the purpose of misleading, information concerning any fact material thereto; and

(2) Insurer shall mean any insurance company, health maintenance organization as defined in section 44-3208, adjuster, agent, or broker.

Sec. 2. No person with a reasonable cause to believe the truth of the information shall be subject to civil liability for libel, slander, or any other relevant tort cause of action by virtue of filing reports without malice or furnishing other information without malice, required by Chapter 44 or required by the Director of Insurance under the authority granted in Chapter 44. No civil cause of action of any nature shall arise against such person who has reasonable cause to believe the truth of the information (1) for any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials or their agents or employees, (2) for any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to Chapter 44, or (3) for any such information furnished in reports to the Department of Insurance, National Association of Insurance Commissioners, or any organization established to detect and prevent fraudulent insurance acts, or their agents, employees,

or designees. The Director of Insurance or any employee of the Department of Insurance, who has reasonable cause to believe the truth of the information, shall not be subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature shall arise against such person by virtue of the publication of any report or bulletin related to the official activities of the Department of Insurance. Nothing in this act shall abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.