

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 26, 2017  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB17-1048 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, strike "and (6)" and substitute "(6), and  
2 (7)(a)".
- 3 Page 2, line 6, after "presented" insert "IN WRITTEN, VERBAL, OR DIGITAL  
4 FORM".
- 5 Page 2, line 17, strike "loss, INJURY, or" and substitute "loss or".
- 6 Page 2, line 23, strike "oral, or electronic" and substitute "~~oral, or~~  
7 ~~electronic~~ VERBAL, OR DIGITAL".
- 8 Page 3, after line 18 insert:  
9           "(7) (a) "Claim" means a demand for money, property, or services  
10 pursuant to a contract of insurance as well as any documentation in  
11 support of such claim whether submitted contemporaneously with the  
12 claim or at a different time. A claim and any supporting information may  
13 be in written, ~~oral, electronic~~, VERBAL, or digital form."
- 14 Page 4, strike lines 3 through 27.
- 15 Page 5, strike lines 1 and 2 and substitute:

1           **"SECTION 3.** In Colorado Revised Statutes, 10-4-1005, **amend**  
2 (1), (2), and (3) as follows:  
3           **10-4-1005. Immunity.** (1) In the case of actions taken under this  
4 part 10, and except where information is furnished with knowledge that  
5 the information is false or with reckless disregard for its truth or falsity,  
6 there ~~shall~~ MAY be no civil penalty or damages on the part of, and no  
7 claim for relief ~~shall~~ MAY be brought against, any person, insurer, or  
8 authorized agency OR SECONDARY AGENCY for furnishing information or  
9 taking other action pursuant to the provisions of this part 10.  
10           (2) Every person, insurer, and authorized agency ~~shall be~~ AND  
11 SECONDARY AGENCY IS immune from civil liability when acting in good  
12 faith to cooperate with, furnish evidence to or on behalf of, provide  
13 information to, or solicit or receive information from, any of the  
14 following with regard to an actual or suspected fraudulent insurance act:  
15           (a) An agency of the federal or any state, county, or municipal  
16 government that is involved in the detection, prosecution, or prevention  
17 of arson or insurance fraud;  
18           (a.5) ANY SECONDARY AGENCY;  
19           (b) Any employee or agent of an agency listed in ~~paragraph (a) of~~  
20 ~~this subsection (2)~~ SUBSECTION (2)(a) OR (2)(a.5) OF THIS SECTION; and  
21           (c) Another insurer, if acting in accordance with section  
22 10-4-1003 (8)(c) solely for the purpose of detecting, investigating,  
23 preventing, or prosecuting an actual or suspected fraudulent insurance act.  
24 Information so provided ~~shall~~ MAY not be used for underwriting or rating  
25 purposes except in connection with an application or policy under which  
26 a fraudulent insurance act was committed.  
27           (3) Every person, insurer, and authorized agency ~~shall be~~ AND  
28 SECONDARY AGENCY IS immune from civil liability when acting in good  
29 faith to comply with a court order to provide evidence or testimony with  
30 regard to an actual or suspected fraudulent insurance act; except that such  
31 immunity ~~shall~~ DOES not apply to a person or insurer that has committed,  
32 or has conspired in or aided and abetted the commission of, such  
33 fraudulent insurance act."

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