

HB1048_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB17-1048 be amended as follows:

1 Amend printed bill, page 5, after line 2, insert:

2 "SECTION 4. In Colorado Revised Statutes, 10-4-1005, amend
3 (1), (2), and (3) as follows:

4 10-4-1005. Immunity. (1) In the case of actions taken under this
5 part 10, and except where information is furnished with knowledge that
6 the information is false or with reckless disregard for its truth or falsity,
7 there shall MAY be no civil penalty or damages on the part of, and no
8 claim for relief shall MAY be brought against, any person, insurer, or
9 authorized agency OR SECONDARY AGENCY for furnishing information or
10 taking other action pursuant to the provisions of this part 10.

11 (2) Every person, insurer, and authorized agency shall be AND
12 SECONDARY AGENCY IS immune from civil liability when acting in good
13 faith to cooperate with, furnish evidence to or on behalf of, provide
14 information to, or solicit or receive information from, any of the
15 following with regard to an actual or suspected fraudulent insurance act:

16 (a) An agency of the federal or any state, county, or municipal
17 government that is involved in the detection, prosecution, or prevention
18 of arson or insurance fraud;

19 (a.5) ANY SECONDARY AGENCY;

20 (b) Any employee or agent of an agency listed in paragraph (a) of
21 this subsection (2) SUBSECTION (2)(a) OR (2)(a.5) OF THIS SECTION; and

22 (c) Another insurer, if acting in accordance with section
23 10-4-1003 (8)(c) solely for the purpose of detecting, investigating,
24 preventing, or prosecuting an actual or suspected fraudulent insurance act.
25 Information so provided shall MAY not be used for underwriting or rating
26 purposes except in connection with an application or policy under which
27 a fraudulent insurance act was committed.

28 (3) Every person, insurer, and authorized agency shall be AND
29 SECONDARY AGENCY IS immune from civil liability when acting in good
30 faith to comply with a court order to provide evidence or testimony with
31 regard to an actual or suspected fraudulent insurance act; except that such
32 immunity shall DOES not apply to a person or insurer that has committed,
33 or has conspired in or aided and abetted the commission of, such
34 fraudulent insurance act."

35 Renumber succeeding section accordingly.

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