

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 864

DATE: March 18, 2015

Version: Second engrossment

Authors: Sanders and others

Subject: Insurance fraud

Analyst: Larie Ann Pampuch

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill allows the commissioner of commerce to assess penalties and order restitution for insurance fraud. An additional penalty for auto insurance based insurance fraud, or the soliciting for medical services of a person involved in an auto accident, is created. This bill also prohibits the written solicitation of a person involved in a motor vehicle accident until at least 30 days after the accident.

Section

- 1** **Insurance fraud administrative penalty.** Allows the commissioner of commerce to investigate insurance fraud. The commissioner can order restitution and impose an administrative penalty of up to \$20,000, with the amount of the penalty depending on the value of the property or services received fraudulently. Provides that the commissioner may bring a suit to compel payment of the administrative penalty, and all private rights of action against those committing insurance fraud are maintained. Includes an administrative process to contest a penalty.
- 2** **Additional penalty for insurance fraud or solicitation.** Provides that people who are convicted of certain types of insurance fraud, or solicitation, in connection with an auto insurance claim cannot enforce a contract for medical expense benefits against an insured person or an insurance company. After five years, the convicted person can apply to a district court to have this additional penalty removed.
- 3** **Accident victim solicitation.** Provides that, until 30 days after an auto accident, only an insurance agent, or a person whose services were requested, can provide written solicitations to the family or individual involved in an auto accident.