

HOUSE BILL NO. 5192

October 24, 2023, Introduced by Reps. Brenda Carter, MacDonell, Wilson, Harris, Scott, Bezotte, Breen, Coleman, Stone, O'Neal, Young, Neeley, Hope, Dievendorf, Haadsma, Rheingans, DeBoer, Brabec, Tyrone Carter, Fitzgerald, Aragona, Edwards and Aiyash and referred to the Committee on Insurance and Financial Services.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 4509 (MCL 500.4509), as added by 1995 PA 276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4509. (1) A person acting without malice is not subject
2 to liability for filing a report or requesting or furnishing orally
3 or in writing other information concerning suspected or completed
4 insurance fraud **under this chapter**, if the reports or information
5 are provided to or received from the insurance bureau, the ~~national~~

1 ~~association of insurance commissioners,~~ **National Association of**
2 **Insurance Commissioners, the National Insurance Crime Bureau,** any
3 federal, state, or governmental agency established to detect and
4 prevent insurance fraud, ~~as well as~~ **or** any other organization, and
5 their agents, employees, or designees, unless that person knows
6 that the report or other information contains false information
7 pertaining to any material fact or thing.

8 (2) In a prosecution for perjury or insurance fraud, and in
9 the absence of malice, an insurer, or any officer, employee, or
10 agent of an insurer, or any private person who cooperates with, **or**
11 **who** furnishes evidence ~~,~~ or provides or receives information
12 regarding suspected insurance fraud to or from an authorized
13 agency, ~~the national association of insurance commissioners,~~
14 **National Association of Insurance Commissioners, the National**
15 **Insurance Crime Bureau,** or any organization, or who complies with
16 an order issued by a court acting in response to a request by any
17 of these entities to provide evidence or testimony, is not subject
18 to civil liability with respect to any act concerning the suspected
19 insurance fraud that the person testifies to or produces relevant
20 matter **about,** unless that person knows that the evidence,
21 information, testimony, or other matter contains false information
22 pertaining to any material fact or thing.

23 (3) In the absence of malice, an insurer, or any officer,
24 employee, or agent of an insurer, or any person who cooperates
25 with, **or who** furnishes evidence ~~,~~ or provides information regarding
26 suspected insurance fraud to an authorized agency, ~~the national~~
27 ~~association of insurance commissioners,~~ **National Association of**
28 **Insurance Commissioners, the National Insurance Crime Bureau,** or
29 any organization, or who complies with an order issued by a court

1 of competent jurisdiction acting in response to a request by any of
2 these entities to furnish evidence or provide testimony, is not
3 subject to civil liability for libel, slander, or any other tort,
4 and a civil cause of action of any nature does not exist against
5 the person ~~for~~ filing a report, providing information, or
6 otherwise cooperating with an investigation or examination of any
7 of these entities, unless that person knows that the evidence,
8 information, testimony, or matter contains false information
9 pertaining to any material fact or thing.

10 (4) The authorized agency, the ~~national association of~~
11 ~~insurance commissioners,~~ **National Association of Insurance**
12 **Commissioners, the National Insurance Crime Bureau,** or any
13 organization, and any employee or agent of any of these entities,
14 when acting without malice, is not subject to civil liability for
15 libel, slander, or any other tort, and a civil cause of action of
16 any nature does not exist against the person for official
17 activities or duties of the entity because of the publication of
18 any report or bulletin related to the entity's official activities
19 or duties, unless the report or bulletin contains false information
20 concerning any material fact or thing and the authorized agency,
21 the ~~national association of insurance commissioners,~~ an **National**
22 **Association of Insurance Commissioners, the National Insurance**
23 **Crime Bureau, the** organization, or an employee or agent of these
24 entities knows that the information is false.

25 (5) This section does not abrogate or modify in any way common
26 law or statutory privilege or immunity otherwise available to any
27 person or entity.