SUMMARY—Revises provisions relating to insurance fraud. (BDR 57-521)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: May have Fiscal Impact.

Effect on the State Highway Fund: No.

AN ACT relating to insurance fraud; revising provisions relating to insurance fraud involving certain motor vehicle crashes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain acts as insurance fraud and makes a person who commits insurance fraud guilty of a category D felony. (NRS 686A.2815, 686A.291) **Section 1** of this bill revises the definition of "insurance fraud" to specifically include participating in, soliciting or orchestrating a motor vehicle crash for the purpose of presenting or causing to be presented a false or fraudulent insurance claim.

Section 2 of this bill increases the penalty for insurance fraud involving such a motor vehicle crash under certain circumstances. **Section 2** also provides that a person who commits such insurance fraud is guilty of a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and a possible fine of not more than $50,000 if: (1) the value of the insurance benefits sought or obtained





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is $10,000 or more; or (2) the insurance fraud results in bodily injury to a person other than the perpetrator. If the insurance fraud results in substantial bodily harm to or the death of any person, **section 2** increases the term of imprisonment to a minimum term of not less than 5 years and a maximum term of not more than 20 years, increases the possible fine to not more than $100,000 and requires the suspension or revocation of the driver's license of the person for not less than 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 686A.2815 is hereby amended to read as follows:

686A.2815 1. "Insurance fraud" means knowingly and willfully:

(a) Presenting or causing to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, if the person who presents or causes the presentation of the statement knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to an application for the issuance of a policy of insurance.

(b) Presenting or causing to be presented any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance, if the person who presents or causes the presentation of the statement knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to that claim.

(c) Assisting, abetting, soliciting or conspiring with another person to present or cause to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, if the person who assists, abets, solicits or conspires knows that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to an application for the issuance of a policy of insurance or a claim for payment or other benefits under such a policy.

(d) Acting or failing to act with the intent of defrauding or deceiving an insurer, a reinsurer, a producer, a broker or any agent thereof, to obtain a policy of insurance or any proceeds or other benefits under such a policy.

(e) As a practitioner, an insurer or any agent thereof, acting to assist, conspire with or urge another person to commit any act or omission specified in this section through deceit, misrepresentation or other fraudulent means.

(f) Accepting any proceeds or other benefits under a policy of insurance, if the person who accepts the proceeds or other benefits knows that the proceeds or other benefits are derived from any act or omission specified in this section.

(g) Employing a person to procure clients, patients or other persons who obtain services or benefits under a policy of insurance for the purpose of engaging in any act or omission specified in this section, except that such insurance fraud does not include contact or communication by an insurer or an agent or representative of the insurer with a client, patient or other person if the contact or communication is made for a lawful purpose, including, without limitation, communication by an insurer with a holder of a policy of insurance issued by the insurer or with a claimant concerning the settlement of any claims against the policy.

(h) ***Participating in, soliciting or orchestrating a motor vehicle crash for the purpose of presenting or causing to be presented a false or fraudulent claim.***

(i) Participating in, aiding, abetting, conspiring to commit, soliciting another person to commit, or permitting an employee or agent to commit any act or omission specified in this section.

2. As used in this section, "policy of insurance" means:

(a) Any policy issued in this State by an authorized insurer; and

(b) Any policy issued outside this State by an authorized insurer which relates to property that:

(1) Is located in this State when any act or omission specified in this section occurs; or

(2) Was located in this State when the incident that gave rise to the act or omission specified in this section occurred.

Sec. 2. NRS 686A.291 is hereby amended to read as follows:

686A.291 ~~[A]~~

1. Except as otherwise provided in subsections 2 and 3, a person who commits insurance fraud is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 3, a person who commits insurance fraud in connection with a motor vehicle crash as described in paragraph (h) of subsection 1 of NRS 686A.2815 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than $50,000 if:

(a) The value of the insurance benefits sought or obtained is $10,000 or more; or

(b) The commission of the insurance fraud results in bodily injury to any person other than the perpetrator.

3. A person who commits insurance fraud in connection with a motor vehicle crash described in paragraph (h) of subsection 1 of NRS 686A.2815 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $100,000 if the commission of the insurance fraud results in substantial bodily harm to or death of any person. In addition to any other penalty imposed pursuant to this subsection, the court shall order the suspension or revocation of the driver's license of the person for a period of not less than 2 years.

Sec. 3. This act becomes effective upon passage and approval.