

Amendments to Senate Bill No. 114  
3rd Reading Copy

Requested by Representative Christopher Harris

For the House Judiciary Committee

Prepared by John MacMaster  
March 17, 2005 (10:18am)

1. Title, page 1, line 9 through line 11.  
**Strike:** "MAKING" on line 9 through "PRACTICES" on line 11  
**Insert:** "CLARIFYING LANGUAGE RELATING TO INSURANCE OFFENSES"

2. Title, page 1, line 11.  
**Following:** "33-2-104,"  
**Insert:** "AND"

3. Title, page 1, line 12.  
**Strike:** "AND 45-6-317,"

4. Page 1, line 17.  
**Following:** "fraud."  
**Insert:** "(1)"  
**Strike:** "act"  
**Insert:** "offense"

5. Page 1, line 18.  
**Strike:** "(1)"  
**Insert:** "(a)"  
**Renumber:** subsequent subsections

6. Page 2, line 6.  
**Insert:** "(2) A person who knowingly violates this section commits the offense of insurance fraud and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

7. Page 2, line 8..  
**Strike:** "Penalties"  
**Insert:** "Civil penalties"

8. Page 2, line 12 through line 13.

(over)

**Strike:** subsection (2) in its entirety  
**Renumber:** subsequent subsection

9. Page 3, line 8 through line 12.

**Strike:** subsection (7) in its entirety

**Insert:** "(7) A person who knowingly misappropriates an insurance premium paid by or proceeds due an insured is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. The commissioner may refer a suspected offense to the attorney general or the appropriate county attorney."

10. Page 3, line 15.

**Strike:** "Certificate of authority"

**Insert:** "Authorization"

11. Page 3, line 15 through line 20.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) A person may not act as an insurer and an insurer may not transact insurance in this state except as authorized in this code."

12. Page 3, line 24.

**Strike:** "convicted of purposely or knowingly violating"

**Insert:** "who knowingly violates"

**Following:** "felony"

**Insert:** "and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both, "

13. Page 4, line 8 through line 9.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) A person who knowingly violates this section is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

14. Page 4, line 13.

**Strike:** the second "or"

**Strike:** "purposely"

15. Page 4, line 18.

**Strike:** "Subject to 46-11-410, a"

Insert: "A"

16. Page 4, line 19.

Strike: the second "or"

Strike: "purposely"

17. Page 4, line 23 through line 25.

Strike: "theft" on line 23 through "person" on line 25

Insert: "a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. Either a county attorney or the attorney general may prosecute the person."

18. Page 4, line 29 through page 5, line 22.

Strike: section 7 in its entirety

- END -