



EXHIBIT NO. 1

DATE 4-18-05

BILL NO. SB-114

*Free Conference Comm.*

# HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 114

Representative Christopher Harris

April 8, 2005 9:42 am

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Mr. Chairman:

I move to amend Senate Bill 114 (second house second reading copy -- tan).

Signed: *Christopher Harris*  
Representative Christopher Harris

And, that such amendments to Senate Bill 114 (second house second reading copy -- tan) read as follows:

1. Page 2, line 6.  
Strike: "except as authorized"

2. Page 2, line 7.  
Strike: "IN THIS CODE"  
Insert: "unless:"

(i) authorized to act as an insurer or to transact insurance in this state by a subsisting certificate of authority issued by the commissioner pursuant to 33-2-101;

(ii) authorized or licensed by the commissioner to act an insurer or to transact insurance in this state as an eligible surplus lines insurer or producer pursuant to chapter 2, part 3, of this title; or

(iii) licensed by the commissioner to transact insurance in this state as an adjuster, administrator, consultant, or producer pursuant to chapter 17 of this title

3. Page 3, line 24.  
Strike: "AUTHORIZATION"  
Insert: "CERTIFICATE OF AUTHORITY"

4. Page 3, line 29 through line 30.

ADOPT 95-4

REJECT

Amendment # SB 114-1

Strike: subsection 1 in its entirety

Insert: "(1) Except as expressly otherwise provided in this code, a person acting as an insurer and an insurer transacting insurance in this state must have a subsisting certificate of authority issued by the commissioner."

- END -



## HOUSE STANDING COMMITTEE REPORT

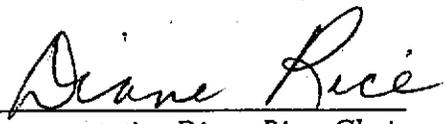
March 30, 2005

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Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 114** (third reading copy -- blue) be concurred in as amended.

Signed:

  
Representative Diane Rice, Chair

To be carried by Representative Christopher Harris

And, that such amendments read:

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

Committee Vote:  
Yes 18, No 0.

3/30  
wmp  
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SB 114

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.

**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 -

