

FIRST REGULAR SESSION

SENATE BILL NO. 460

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1842S.01I

AN ACT

To repeal section 375.146, RSMo, and to enact in lieu thereof two new sections relating to insurance fraud, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 375.146, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 375.038 and 375.146, to read as follows:

375.038. It is unlawful for any person, in connection with the offer, sale, or purchase of insurance, directly or indirectly, to:

- (1) Employ any device, scheme, or artifice to defraud;**
- (2) Make any false statement of a material fact; or**
- (3) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person.**

375.146. [Any person willfully violating any of the provisions of sections 375.012 to 375.141 is guilty of a class A misdemeanor and on conviction thereof, if the offender holds a license under these sections, the court imposing sentence shall order the department of insurance to revoke the license.] **1. Any person who willfully violates section 375.038 shall, upon conviction, be fined not more than one hundred thousand dollars or imprisoned not more than ten years, or both. In addition to any sentence of imprisonment or fine, or imprisonment and fine, the court may order restitution to the victim in an amount equal to the losses due to such offense.**

2. Any person who willfully violates any other provisions of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

sections 375.012 to 375.141 is guilty of a class A misdemeanor and, upon conviction thereof, if the offender holds a license under these sections, the court imposing sentence shall order the department of insurance to revoke the license.

3. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney or circuit attorney, who may, with or without such a reference, institute the appropriate criminal proceedings.

4. Nothing in this section limits the power of the state to punish any person for any conduct that constitutes a crime by another statute.

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