



SPONSOR: Sen. Paradee & Rep. Bush

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 186

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO IMMUNITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2409, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2409. Immunity.

4 (a) In the absence of fraud or bad faith, no person shall be subject to civil liability (for libel, slander or any other
5 relevant tort cause of action by virtue of filing reports, without malice, or furnishing other information, written or oral,
6 without malice, required by this chapter or required by the Commissioner under the authority granted in this title), and no
7 civil cause of action of any nature shall arise against such person:

8 (1) For any information relating to suspected fraudulent insurance acts furnished to or received from law-
9 enforcement officials, their agents and employees; or

10 (2) For any information relating to the suspected fraudulent insurance acts furnished to or received from other
11 persons in this title; or

12 (3) For any such information furnished in reports to the Insurance Department, the National Association of
13 Insurance Commissioners or any organization established to detect and prevent fraudulent insurance acts, their agents,
14 employees or designees, nor shall the Commissioner or any employee of the Insurance Department, (acting without
15 malice) in the absence of fraud or bad faith, be subject to civil liability (for libel, slander or any other relevant tort) and
16 no civil cause of action of any nature shall arise against such person by virtue of publication of any report or bulletin
17 related to the official activities of the Insurance Department.

18 (b) This section applies regardless of whether the furnished information results in an investigation, action, or
19 penalty.

20 (c) Nothing herein in this section is intended to abrogate or modify in any way any common law or statutory
21 privilege or immunity heretofore enjoyed by any person.

SYNOPSIS

This Act clarifies that the immunity provided for furnishing information about suspected fraud applies even if no investigation, action, or penalty results from the information furnished.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Paradee