SPONSOR: Sen. Mantzavinos & Rep. Bush
Sens. Poore, Walsh, Wilson; Reps. Berry, Carson, D. Short, Snyder-Hall

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 45
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO INSURANCE FRAUD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 5, Title 11, of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 913B. Application insurance fraud; class G felony; class A misdemeanor.

(a) A person is guilty of application insurance fraud when, with the intent to injure, defraud, or deceive any insurer the person does any of the following:

(1) Presents or causes to be presented to any insurer, any written or oral statement including computer-generated documents as part of, or in support of, any application to obtain or renew insurance, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such application.

(2) Assists, abets, solicits, or conspires with another to prepare or make any written or oral statement that is intended to be presented to any insurer in connection with, or in support of, any application to obtain or renew insurance, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such application.

(3) Makes false or fraudulent statements or representations on or relative to an application for an insurance policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurers, agent, broker, or individual.

(b) Application insurance fraud under this section is a class G felony if the aggregate value of property, services, or other benefit wrongfully obtained or sought to be obtained is at least $1,500. Otherwise, application insurance fraud under this section is a class A misdemeanor. Each act of application insurance fraud shall constitute an additional, separate and distinct offense, except that 5 or more separate acts may be aggregated for the purpose of establishing liability pursuant

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to this section. Multiple acts of application insurance fraud which are contained in a single application or other document shall each constitute an additional, separate and distinct offense for purposes of this section.

(c) Proof that a person has signed or initialed an application or other document submitted in support of an application for insurance may give rise to an inference that the person has read and reviewed the application or other document.

(d) For purposes of this section, "insurer" shall include a health service corporation, health maintenance organization, or managed care organization, and "insurance" shall include benefits provided pursuant to subscriber contracts of health service corporations, health maintenance organizations, and managed care organizations.