

**76-6-521 Fraudulent insurance act.**

- (1) A person commits a fraudulent insurance act if that person with intent to defraud:
  - (a) presents or causes to be presented any oral or written statement or representation knowing that the statement or representation contains false or fraudulent information concerning any fact material to an application for the issuance or renewal of an insurance policy, certificate, or contract;
  - (b) presents, or causes to be presented, any oral or written statement or representation:
    - (i)
      - (A) as part of or in support of a claim for payment or other benefit pursuant to an insurance policy, certificate, or contract; or
      - (B) in connection with any civil claim asserted for recovery of damages for personal or bodily injuries or property damage; and
    - (ii) knowing that the statement or representation contains false or fraudulent information concerning any fact or thing material to the claim;
  - (c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
  - (d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees for professional services, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions;
  - (e) knowingly employs, uses, or acts as a runner, as defined in Section 31A-31-102, for the purpose of committing a fraudulent insurance act;
  - (f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent insurance act; or
  - (g) knowingly supplies false or fraudulent material information in any document or statement required by the Department of Insurance.
- (2)
  - (a) A violation of Subsection (1)(a) is a class B misdemeanor.
  - (b) A violation of Subsections (1)(b) through (1)(g) is punishable as in the manner prescribed by Section 76-10-1801 for communication fraud for property of like value.
- (3) A corporation or association is guilty of the offense of insurance fraud under the same conditions as those set forth in Section 76-2-204.
- (4) The determination of the degree of any offense under Subsections (1)(b) through (1)(g) shall be measured by the total value of all property, money, or other things obtained or sought to be obtained by the fraudulent insurance act or acts described in Subsections (1)(b) through (1)(g).

Amended by Chapter 104, 2004 General Session