

CHAPTER 146

Substitute for SENATE BILL No. 208\*

(Amends Chapter 103)

AN ACT concerning the insurance department; establishing the criminal anti-fraud division; concerning rules and regulations pertaining to certain unfair practices in the sales of life insurance; amending section 1 of 2007 Substitute for House Bill No. 2108 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) There is hereby established within the insurance department a criminal anti-fraud division of the Kansas insurance department. The criminal anti-fraud division shall accept information and complaints regarding possible insurance fraud. The criminal anti-fraud division shall also investigate possible violations of Kansas criminal statutes pertaining to and related to insurance fraud. The criminal anti-fraud division shall prepare criminal cases for prosecution by special assistant attorneys general and shall assist in prosecution of those cases.

(b) Complaints of insurance fraud shall be accepted from Kansas consumers, other divisions within the insurance department, other state and federal law enforcement agencies, and insurance companies. The criminal anti-fraud division's investigators shall prepare clear and concise reports concerning investigations and preserve evidence.

(c) The criminal anti-fraud division will assist in the preparation and presentation of criminal cases and perform other such duties in the prevention, detection and prosecution of insurance fraud as may be necessary. Said preparation should include affidavits, interviews, preservation of evidence and securing the attendance of individuals involved in the case. In presenting the prosecution's case, members of the criminal anti-fraud division shall testify as to the facts of the case.

Sec. 2. Section 1 of 2007 Substitute for House Bill No. 2108 is hereby amended to read as follows: Section 1. (a) The commissioner of insurance shall have the authority to adopt such rules and regulations to protect service members of the United States armed forces from dishonest and predatory *life* insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair except; that such rules and regulations shall not affect federal insurance programs under subchapter III of chapter 19 of title 38, United States Code.

(b) This section shall be part of and supplemental to the unfair trade practice law.

Sec. 3. Section 1 of 2007 Substitute for House Bill No. 2108 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2007.

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