

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1153 Session of  
1989

INTRODUCED BY FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY,  
TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, J. TAYLOR,  
RITTER, FARGO, LETTERMAN, J. L. WRIGHT, HAGARTY, COY,  
LAUGHLIN, NOYE, HERMAN, FLICK, ANGSTADT, HARPER, REBER,  
KASUNIC, E. Z. TAYLOR, CIVERA, WOGAN, JOSEPHS, OLASZ,  
LANGTRY, WILSON, RAYMOND, THOMAS, LINTON, MRKONIC, MICOZZIE,  
SERAFINI, BROUJOS, COLAFELLA, LUCYK, MELIO AND PETRONE,  
APRIL 12, 1989

REFERRED TO COMMITTEE ON INSURANCE, APRIL 12, 1989

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," increasing the penalties for fraud  
12 in procuring insurance or in collecting claims.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 349 of the act of May 17, 1921 (P.L.682,  
16 No.284), known as The Insurance Company Law of 1921, is amended  
17 to read:

18 Section 349. Fraud in Procuring Insurance or in Collecting  
19 Claims.--(a) Any person who is knowingly concerned in, or who,  
20 for profit, gain, benefit, favor, or otherwise, makes any false

1 oral statement, misrepresents, substitutes persons or realty or  
2 goods, subscribes to or prepares, or helps to prepare, any  
3 fraudulent letter, document, application, affidavit, inventory,  
4 financial or other statement, or in any method or manner  
5 attempts to deceive, for the purpose of obtaining for himself,  
6 herself, or others, any of the classes of insurance provided for  
7 by this act; and (b) any person knowingly concerned for profit,  
8 gain, benefit, favor, or otherwise, in preparing or forwarding  
9 any fraudulent application, affidavit, proof of loss, or claim,  
10 or attempting to collect or collecting any wholly or partly  
11 fraudulent claim or money demand from any insurance company,  
12 association, or exchange, lawfully transacting business within  
13 this Commonwealth, whether any policy or agreement of insurance  
14 was lawfully procured or procured by fraud,---shall be guilty of  
15 a misdemeanor, and, upon conviction, shall be sentenced to  
16 undergo imprisonment for not more than [one year or less than  
17 six months] two years or less than one year, and, in addition,  
18 to pay a fine not exceeding [five hundred dollars (\$500) or less  
19 than one hundred dollars (\$100)] twenty-five hundred dollars  
20 (\$2,500) or less than five hundred dollars (\$500). The  
21 provisions of this section shall apply whether or not insurance  
22 was actually in force and whether or not the offending person or  
23 persons received profit, gain, benefit, or favor from the  
24 attempt to defraud or from the consummation of the fraud.

25 Section 2. This act shall take effect in 60 days.