



General Assembly

February Session, 2000

Raised Bill No. 444

LCO No. 1076

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

An Act Concerning Restitution Orders Under The Unfair Insurance Practices Act.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 38a-817 of the general statutes, as
2 amended by section 24 of public act 99-215, is repealed and the
3 following is substituted in lieu thereof:

4 (b) If, after such hearing, the commissioner determines that the
5 person charged has engaged in an unfair method of competition or an
6 unfair or deceptive act or practice, [he] the commissioner shall reduce
7 [his] the commissioner's findings to writing and shall issue and cause
8 to be served upon the person charged with the violation a copy of such
9 findings and an order requiring such person to cease and desist from
10 engaging in such method of competition, act or practice and if the act
11 or practice is a violation of section 38a-816, as amended, the
12 commissioner may, at [his] the commissioner's discretion order any
13 one or more of the following: [(i)] (1) Payment of a monetary penalty of
14 not more than one thousand dollars for each and every act or violation
15 but not to exceed an aggregate penalty of ten thousand dollars unless
16 the person knew or reasonably should have known [he] that the

17 person was in violation of section 38a-815, 38a-816, as amended, this
18 subsection and subsection (e), in which case the penalty shall be not
19 more than five thousand dollars for each and every act or violation but
20 not to exceed an aggregate penalty of fifty thousand dollars in any six-
21 month period; [(ii)] (2) suspension or revocation of the person's license
22 if [he] the person knew or reasonably should have known [he] the
23 person was in violation of said sections and subsections; (3) restitution
24 of any sums shown to have been obtained in violation of any of the
25 provisions of said sections or any regulation implementing the
26 provisions of said sections.

27 Sec. 2. Subsection (e) of section 38a-817 of the general statutes, as
28 amended by section 24 of public act 99-215, is repealed and the
29 following is substituted in lieu thereof:

30 (e) Any person who violates a cease and desist order of the
31 commissioner made pursuant to this section and while such order is in
32 effect shall, after notice and hearing and upon order of the
33 commissioner, be subject to any one or more of the following: [(i)] (1) A
34 monetary penalty of not more than ten thousand dollars for each and
35 every act or violation; or [(ii)] (2) suspension or revocation of such
36 person's license.

INS Committee Vote: Yea 18 Nay 0 JF