

REFERENCE TITLE: insurance; prohibited practices; civil penalty

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1126

Introduced by
Senator McCune Davis

AN ACT

AMENDING SECTION 20-456, ARIZONA REVISED STATUTES; RELATING TO INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-456, Arizona Revised Statutes, is amended to
3 read:

4 20-456. Cease and desist order for defined or prohibited
5 practices; civil penalty

6 A. If after a hearing the director finds that the person charged has
7 engaged or is engaging in any act or practice defined in or prohibited under
8 this article as an illegal or unfair method of competition or an unfair or
9 deceptive act or practice, the director shall order the person to cease and
10 desist from the proscribed acts or practices.

11 B. If the act or practice is a violation of section 20-443, 20-443.01,
12 20-444, 20-445, 20-446, 20-447, 20-448, 20-448.01, 20-448.02, 20-449, 20-451,
13 20-452 or 20-467 or a general business practice of committing or performing
14 acts or omissions proscribed by sections 20-461, ~~and~~ 20-468 and 20-469, the
15 director may also impose a civil penalty of not more than ~~one~~ FIVE thousand
16 dollars for each act or violation ~~but not to exceed an aggregate penalty of~~
17 ~~ten thousand dollars~~ unless the person intentionally violates any section
18 enumerated in this subsection, in which case the director may impose a civil
19 penalty of up to ~~five~~ TEN thousand dollars for each act or violation ~~but not~~
20 ~~to exceed an aggregate penalty of fifty thousand dollars in any six month~~
21 ~~period.~~

22 C. No order of the director pursuant to this section or order of a
23 court to enforce it, or holding of a hearing, may in any manner relieve or
24 absolve any person affected by the order or hearing from any other liability,
25 penalty or forfeiture under law.