

House File 2238 - Reprinted

HOUSE FILE 2238
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 585)

(As Amended and Passed by the House February 21, 2018)

A BILL FOR

1 An Act relating to the receipt of pecuniary damages by insurers
2 as victims of insurance fraud for purposes of criminal
3 restitution.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 910.1, subsection 3, Code 2018, is
2 amended to read as follows:

3 3. "*Pecuniary damages*" means all damages to the extent
4 not paid by an insurer on an insurance claim by the victim,
5 which a victim could recover against the offender in a civil
6 action arising out of the same facts or event, except punitive
7 damages and damages for pain, suffering, mental anguish, and
8 loss of consortium. Without limitation, "*pecuniary damages*"
9 includes damages for wrongful death and expenses incurred for
10 psychiatric or psychological services or counseling or other
11 counseling for the victim which became necessary as a direct
12 result of the criminal activity.

13 Sec. 2. Section 910.1, subsection 5, Code 2018, is amended
14 to read as follows:

15 5. "*Victim*" means a person who has suffered pecuniary
16 damages as a result of the offender's criminal activities.
17 However, for purposes of [this chapter](#), an insurer paying a
18 victim's insurance claim is not a victim and does not have a
19 right of subrogation. An insurer may be a victim for purposes
20 of this chapter if insurance fraud in violation of section
21 507E.3 or 507E.3A has been perpetrated against the insurer.
22 The crime victim compensation program is not an insurer for
23 purposes of [this chapter](#), and the right of subrogation provided
24 by [section 915.92](#) does not prohibit restitution to the crime
25 victim compensation program.