



ADMINISTRATIVE RULES OF MONTANA



6.6.3516 CONDUCT OF INSURER IN CONNECTION WITH THE PREPARATION OF REQUIRED REPORTS AND DOCUMENTS

- (1) No director or officer of an insurer shall, directly or indirectly:
 - (a) make or cause to be made a materially false or misleading statement to an accountant in connection with any audit, review, or communication required under this subchapter; or
 - (b) omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which the statements were made, not misleading to an accountant in connection with any audit, review, or communication required under this subchapter.
- (2) No officer, or director of an insurer, or any other person acting under the direction thereof, shall directly or indirectly take any action to coerce, manipulate, mislead, or fraudulently influence any accountant engaged in the performance of an audit pursuant to this subchapter if that person knew, or should have known, that the action, if successful, could result in rendering the insurer's financial statements materially misleading.
- (3) For purposes of (2), actions that, "if successful, could result in rendering the insurer's financial statements materially misleading" include, but are not limited to, actions taken at any time with respect to the professional engagement period to coerce, manipulate, mislead, or fraudulently influence an accountant:
 - (a) to issue, or reissue a report on an insurer's financial statements that is not warranted in the circumstances (due to material violations of statutory accounting principles prescribed by the commissioner, generally accepted auditing standards, or other professional or regulatory standards);
 - (b) not to perform audit, review, or other procedures required by generally accepted auditing standards, or other professional standards;
 - (c) not to withdraw an issued report; or
 - (d) not to communicate matters to an insurer's audit committee.

Authorizing statute(s): 33-1-313, 33-2-1517, MCA

Implementing statute(s): 33-2-701, 33-2-1517, 33-4-313, 33-5-413, MCA

History: NEW, 2010 MAR p. 315, Eff. 2/12/10.