

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 2810

4  
5 By: Representative Biggs  
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## For An Act To Be Entitled

9 AN ACT TO ALLOW CONFIDENTIAL EXAMINATION  
10 WORKPAPERS TO BE SHARED UNDER WRITTEN AGREEMENT  
11 WITH OTHER REGULATORY AGENCIES; TO PROTECT  
12 INSURANCE DEPARTMENT ANALYSTS FROM LIABILITY FOR  
13 THE CONTENTS OF THE SHARED WORKPAPERS UNLESS THE  
14 CONTENTS ARE INTENTIONALLY FALSE WITH THE INTENT  
15 TO DO HARM; AND FOR OTHER LAWFUL PURPOSES.  
16

## Subtitle

17 AN ACT TO ALLOW CONFIDENTIAL EXAMINATION  
18 WORKPAPERS TO BE SHARED AND FOR ANALYSTS  
19 TO BE PROTECTED FROM LIABILITY FOR THE  
20 CONTENTS OF THE WORKPAPERS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 23-61-207 is amended to read as follows:  
27 23-61-207. Confidentiality of ancillary information.

28 (a) All working papers, recorded information, documents, and copies  
29 produced by, obtained by, or disclosed to the Insurance Commissioner or any  
30 other person in the course of an examination made under this subchapter must  
31 be given confidential treatment and are not subject to subpoena and may not  
32 be made public by the commissioner or any other person, except to the extent  
33 provided in § 23-61-205.

34 (b) ~~In addition, all~~ All workpapers, financial statement analyses,  
35 ratio calculations, and any other materials produced by State Insurance  
36 Department financial examiners or analysts, or documents submitted or



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1 disclosed to the department by an insurer in response to a request from a  
2 department financial examiner or analyst during the course of reviewing or  
3 investigating the financial solvency, condition, or affairs of an insurer,  
4 shall be confidential and not subject to subpoena, except to the extent as  
5 provided in § 23-61-205.

6 (c) Access to the documents described in subsections (a) and (b) may  
7 ~~also be granted to the National Association of Insurance Commissioners, under~~  
8 § 23-61-107(a)(5), at the commissioner’s discretion.

9 (d) Arkansas Insurance Department examination and financial analysis  
10 personnel shall not be subject to suit or liability for any cause of action  
11 arising from the content of the information described in this statute, unless  
12 such content is found to be intentionally false with the intent to do harm.

13 (e) The parties must agree in writing prior to receiving the  
14 information to provide to it the same confidential treatment as required by  
15 this section, unless the prior written consent of the company to which it  
16 pertains has been obtained.

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