

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/24/97

A Bill

ACT 956 OF 1997
HOUSE BILL 1710

5 By: Representative Young
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 23-61-103 TO PROVIDE
10 CONFIDENTIALITY TO INSURANCE DEPARTMENT INVESTIGATIONS
11 AND EXAMINATIONS UNTIL COMPLETED; AND FOR OTHER PURPOSES."
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Subtitle

13 "TO PROVIDE CONFIDENTIALITY TO INSURANCE
14 DEPARTMENT INVESTIGATIONS AND
15 EXAMINATIONS UNTIL COMPLETION."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Subsection (c) of Arkansas Code 23-61-103 is hereby amended
21 to read as follows:

22 "(c)(1) The commissioner may conduct such examinations and
23 investigations of insurance matters, in addition to examinations and
24 investigations expressly authorized, as he may deem proper to determine
25 whether any person has violated any provision of this code or to secure
26 information useful in the lawful administration of any such provision. The
27 cost of these additional examinations or investigations shall be borne by the
28 state.

29 (2) Notwithstanding any other provision of law, active investigatory
30 or examination files as maintained by the State Insurance Department shall be
31 deemed confidential and privileged and shall not be made open to the public
32 until:

33 (A) The matter under investigation or examination is deemed
34 closed by the Commissioner; or

35 (B) Referred to any law enforcement authority and made subject
36 to public disclosure by such authority.

1 (3) At such time that any matter investigated or examined has been set
2 for an administrative hearing pursuant to Ark. Code Ann. §23-61-304 or
3 §25-15-208, investigation or examination information shall be made available
4 as provided in Ark. Code Ann. §25-15-208.

5 (4) Subsection (c)(2) of this section does not prohibit release by the
6 commissioner of active investigatory or examination files:

7 (A) At the discretion of the Commissioner, to a person or persons
8 that the Commissioner determines to be aggrieved or affected by the
9 examination or investigation; or

10 (B) To state, federal or local law enforcement or regulatory
11 agencies, or private organizations established for tracking or preventing
12 insurance violations or to the National Association of Insurance Commissioners
13 (N.A.I.C.).

14 (5) Release of active investigatory or examination files as provided in
15 subsection (4) above, does not abrogate or modify the confidential nature of
16 investigatory or examination files as provided in subsection (2) above."

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18 SECTION 2. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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/s/Rep. Young

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APPROVED:3-31-97

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