

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

As Engrossed: H2/24/97

## A Bill

HOUSE BILL 1710

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

8  
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

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14 "TO PROVIDE CONFIDENTIALITY TO INSURANCE  
15 DEPARTMENT INVESTIGATIONS AND  
16 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

1 to public disclosure by such authority.

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

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

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

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

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

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

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

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30 hereby repealed.

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/s/Rep. Young

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