

FIRST REGULAR SESSION

HOUSE BILL NO. 1235

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VOGT.

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0645L.01I

AN ACT

To repeal section 374.071, RSMo, and to enact in lieu thereof one new section relating to insurance compliance audits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 374.071, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 374.071, to read as follows:

374.071. 1. The following records of the department are not public records and are not available for public examination under section 374.070:

(1) Any document or other material in any consumer complaint file maintained under section 374.085, including medical records, repair estimates, adjuster notes, insurance policy provisions, recordings or transcripts of witness interviews, and any other records regarding coverage, settlement, payment, or denial of claim asserted under an insurance policy;

(2) Any document or other material submitted by an insurer or producer under section 374.190, or any other inquiry, information request, or data call initiated by the department.

2. Any record that is not public under subsections 1 and 2 of this section is confidential and is not subject to disclosure, including discovery or subpoena, unless the subpoena is issued by the prosecuting attorney, attorney general, administrative hearing officer, or under the authority of any court. The director may only produce the documents or other material to another state or federal governmental agency or officer under a lawful request, subpoena, or formal discovery procedure. The documents or material may, in the discretion of the director, be made

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 public once admitted as evidence in any administrative, civil, or criminal enforcement
16 proceeding.

17 3. The director may release contents of any record that is not public under this section
18 as part of an examination report under section 374.205, if the release is in the public interest.
19 Notwithstanding any provision of subsections 1 and 2 of this section to the contrary, in all cases,
20 the director [may] **shall, upon request**, release an incident report record consisting of the date
21 and immediate facts and circumstances surrounding the initial consumer report or complaint.
22 **Such incident report records shall be made available in electronic format to the public.**

23 4. No waiver of any applicable privilege or claim of confidentiality regarding any
24 document shall occur as a result of disclosure to the director or by the director in sharing
25 documents with other state and federal regulatory agencies, the National Association of
26 Insurance Commissioners, and its affiliates and subsidiaries, or state or federal law enforcement
27 authorities, and the recipient of such document is bound by the provisions of this section as to
28 the confidentiality of such document.

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