

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 388

## 93RD GENERAL ASSEMBLY

1285L.02T

2005

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### AN ACT

To amend chapter 374, RSMo, by adding thereto one new section relating to insurance compliance audits.

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

Section A. Chapter 374, RSMo, is amended by adding thereto one new section, 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

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.

17 **discretion of the director, be made public once admitted as evidence in any administrative,**  
18 **civil, or criminal enforcement proceeding.**

19 **3. The director may release contents of any record that is not public under this**  
20 **section as part of an examination report under section 374.205, if the release is in the public**  
21 **interest. Notwithstanding any provision of subsections 1 and 2 of this section to the**  
22 **contrary, in all cases, the director may release an incident report record consisting of the**  
23 **date and immediate facts and circumstances surrounding the initial consumer report or**  
24 **complaint.**

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