
SUBSTITUTE SENATE BILL 5776

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Prentice, Winsley, Gardner and Costa;
by request of Insurance Commissioner)

READ FIRST TIME 02/27/01.

1 AN ACT Relating to protecting the confidentiality of information
2 relating to insurance; adding a new section to chapter 48.02 RCW; and
3 adding a new section to chapter 42.17 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.02 RCW
6 to read as follows:

7 (1) Documents, materials, or other information as described in
8 subsection (5) of this section are confidential by law and privileged,
9 are not subject to public disclosure under chapter 42.17 RCW and are
10 not subject to subpoena directed to the commissioner or any person who
11 received documents, materials, or other information while acting under
12 the authority of the commissioner. The commissioner is authorized to
13 use such documents, materials, or other information in the furtherance
14 of any regulatory or legal action brought as a part of the
15 commissioner's official duties. The confidentiality and privilege
16 created by this section and section 2 of this act applies only to the
17 commissioner, any person acting under the authority of the
18 commissioner, the national association of insurance commissioners and
19 its affiliates and subsidiaries, regulatory and law enforcement

1 officials of other states and nations, the federal government, and
2 international authorities.

3 (2) Neither the commissioner nor any person who received documents,
4 materials, or other information while acting under the authority of the
5 commissioner is permitted or required to testify in any private civil
6 action concerning any confidential and privileged documents, materials,
7 or information subject to subsection (1) of this section.

8 (3) The commissioner:

9 (a) May share documents, materials, or other information, including
10 the confidential and privileged documents, materials, or information
11 subject to subsection (1) of this section, with (i) the national
12 association of insurance commissioners and its affiliates and
13 subsidiaries, and (ii) regulatory and law enforcement officials of
14 other states and nations, the federal government, and international
15 authorities, if the recipient agrees to maintain the confidentiality
16 and privileged status of the document, material, or other information;

17 (b) May receive documents, materials, or information, including
18 otherwise either confidential or privileged, or both, documents,
19 materials, or information, from (i) the national association of
20 insurance commissioners and its affiliates and subsidiaries, and (ii)
21 regulatory and law enforcement officials of other states and nations,
22 the federal government, and international authorities and shall
23 maintain as confidential and privileged any document, material, or
24 information received that is either confidential or privileged, or
25 both, under the laws of the jurisdiction that is the source of the
26 document, material, or information; and

27 (c) May enter into agreements governing the sharing and use of
28 information consistent with this subsection.

29 (4) No waiver of an existing privilege or claim of confidentiality
30 in the documents, materials, or information may occur as a result of
31 disclosure to the commissioner under this section or as a result of
32 sharing as authorized in subsection (3) of this section.

33 (5) Documents, materials, or information, which is either
34 confidential or privileged, or both, which has been provided to the
35 commissioner by (a) the national association of insurance commissioners
36 and its affiliates and subsidiaries, (b) regulatory or law enforcement
37 officials of other states and nations, the federal government, or
38 international authorities, or (c) agencies of this state is
39 confidential and privileged only if the documents, materials, or

1 information is protected from disclosure by the applicable laws of the
2 jurisdiction that is the source of the document, material, or
3 information.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 Documents, materials, or information obtained by the insurance
7 commissioner under section 1 of this act are confidential and
8 privileged and not subject to public disclosure under this chapter.

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