

SHB 2482 - H AMD 874

By Representative Kirby

1 Beginning on page 5, line 19, strike all of section 7 and insert
2 the following:

3 "NEW SECTION. **Sec. 7.** (1) For a period of seven years from
4 receipt by the commissioner, any documents, materials, or other
5 information in the possession or control of the commissioner that are
6 provided or obtained by the commissioner in an investigation of
7 suspected or actual fraudulent insurance acts under this chapter are
8 confidential by law, privileged, not subject to public disclosure under
9 chapters 42.17 and 42.56 RCW, not subject to subpoena, and not subject
10 to discovery or admissible in evidence in any private civil action.
11 However, except for information under subsections (6) and (7) of this
12 section, information regarding a specific person may be disclosed to
13 that person, and only that person, upon request of the person. The
14 commissioner and prosecutors are authorized to use the documents,
15 materials, or other information in the furtherance of (a) any
16 regulatory or legal action brought as part of the commissioner's
17 official duties, or (b) criminal investigation or prosecution.

18 (2) For a period of seven years from receipt by the commissioner,
19 neither the commissioner nor any person who receives documents,
20 materials, or other information while acting under the authority of
21 this chapter may be permitted or required to testify in any private
22 civil action concerning any confidential documents, materials, or
23 information subject to subsection (1) of this section.

24 (3) In order to assist in the performance of the commissioner's
25 duties under this chapter, the commissioner may:

26 (a) Share documents, materials, or other information, including
27 confidential and privileged documents, material, or information subject
28 to subsection (1) of this section with other state, federal, and
29 international regulatory agencies, with the national association of
30 insurance commissioners and its affiliates and subsidiaries, and with

1 local, state, federal, and international law enforcement authorities,
2 the national insurance crime bureau, and an insurer with respect to
3 whom the suspected fraudulent claim may be perpetrated provided that
4 the recipient agrees to maintain the confidentiality and privileged
5 status of the document, material, or other information;

6 (b) Receive documents, materials, or information, including
7 otherwise confidential and privileged documents, materials, or
8 information from the national association of insurance commissioners
9 and its affiliates and subsidiaries, an insurer with respect to whom
10 the suspected fraudulent claim may be perpetrated, the national
11 insurance crime bureau, and from regulatory and law enforcement
12 officials of other foreign or domestic jurisdictions, and for a period
13 of seven years from receipt by the commissioner shall maintain as
14 confidential or privileged any document, material, or information
15 received with the notice or the understanding that it is confidential
16 or privileged under the laws of the jurisdiction that is the source of
17 the document, material, or information; and

18 (c) Enter into agreements governing sharing and use of information
19 consistent with this section.

20 (4) No waiver of an existing privilege or claim of confidentiality
21 in the documents, materials, or information may occur as a result of
22 disclosure to the commissioner under this section or as a result of
23 sharing documents, materials, or information as authorized in
24 subsection (3) of this section.

25 (5) Documents, materials, or other information that are in the
26 possession of persons other than the commissioner that would otherwise
27 not be confidential by law or privileged do not become confidential by
28 law or privileged by providing the documents, materials, or other
29 information to the commissioner.

30 (6) Information obtained by the commissioner under this chapter
31 revealing the identity of persons who are witnesses to or victims of
32 crime or who file complaints with insurers, investigative agencies, law
33 enforcement agencies, or penology agencies is exempt from disclosure
34 under this chapter, or public inspection and copying under chapters
35 42.17 and 42.56 RCW, if disclosure would endanger any person's life,
36 physical safety, or property. If at or before the time the information
37 is provided to the commissioner under this chapter, and the

1 complainant, victim, or witness indicates a desire for disclosure or
2 nondisclosure, their desire governs.

3 (7) Documents, materials, or information obtained by the
4 commissioner, the nondisclosure of which is essential to effective law
5 enforcement or for the protection of any person's right to privacy, are
6 exempt from public inspection and copying under chapters 42.17 and
7 42.56 RCW."

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