5180 AMH POLL CLOD 101

**SB 5180** - H AMD **930**

By Representative Pollet

**WITHDRAWN 03/08/2016**

 On page 8, line 29, after "section," insert "and subject to subsection (8) of this section,"

 On page 9, line 13, after "subsidiaries," insert "with the office of the attorney general for purposes of investigating any consumer protection or antitrust action,"

 On page 10, after line 10, insert the following:

 "(8) Documents, materials, or information that the commissioner concurs with pursuant to RCW 42.56.400(24) are presumed confidential, privileged, and exempt from disclosure. However, this presumption may be challenged and overcome in a show cause hearing pursuant to chapter 42.56 RCW, in any civil proceeding in which records are sought and in which disclosure may serve the public interest, or in any other proceeding."

 On page 38, beginning on line 28, strike all material through page 43, line 11 and insert the following:

 "**Sec.**  RCW 42.56.400 and 2015 c 122 s 14 and 2015 c 17 s 11 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; ((~~and~~))

(23) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW; and

(24) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, sections 6, 13(6), 14(2) (b) and (c), and 15 of this act that meet the following requirements:

 (a) The documents, materials, or information are identified by the insurance company in the insurance company's submission to the commissioner as proprietary and potentially damaging to the insurance company's competitive position and that are not based upon, and not referenced in, any filing with any governmental agency; and

 (b) The commissioner concurs in the insurance company's identification of documents, materials, or information as proprietary and potentially damaging to the insurance company's competitive position and that are not based upon, and not referenced in, any filing with any governmental agency.

NEW SECTION. **Sec.**  Sections 1 through 19 of this act take effect January 1, 2017."

Correct the title.

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|  |  EFFECT:   (1) Provides that the commissioner may share documents, materials, and other information with the office of the attorney general investigating any consumer protection or antitrust action, in addition to the other agencies.(2) Provides that documents, materials, or information that the commissioner concurs with pursuant to RCW 42.56.400(24) are presumed confidential, privileged, and exempt from disclosure. However, this presumption may be challenged and overcome in a show cause hearing pursuant to the chapter 42.56 RCW, in any civil proceeding in which records are sought and in which disclosure may serve the public interest, or in any other proceeding.(3) Restricts the exemption from the public records act to those documents, materials, or information obtained by the insurance commissioner pursuant to the act that are identified by the insurance company as proprietary and potentially damaging to the insurance company's competitive position and that are not based upon, and not referenced in, any filing with any governmental agency. Requires the commissioner to concur in this determination.(4) Changes an effective date from January 1, 2016, to January 1, 2017.(5) Makes a technical edit to update RCW 42.56.400 to reflect separate legislation passed in 2015 that amended RCW 42.56.400, enabling proper codification. |

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