

**A-Engrossed**  
**Senate Bill 1591**

Ordered by the Senate February 11  
Including Senate Amendments dated February 11

Sponsored by Senator SHIELDS; Senator BURDICK (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Establishes Task Force on Insurance Regulation with seven members appointed by President of Senate, Speaker of House of Representatives and Governor. Provides that task force shall examine extent to which insurers in this state pay claims in timely fashion, respond to investigative queries from Department of Consumer and Business Services and otherwise promote transparency and responsiveness to claims from persons who have policies with insurers.]*

*[Sunsets task force on December 31, 2017.]*

*[Declares emergency, effective on passage.]*

**Permits Director of Department of Consumer and Business Services to provide information about complaints of unlawful practices that director receives about insurers. Requires director, before providing information about complaint, to remove information that could identify person that submitted complaint.**

**Takes effect July 1, 2016.**

**A BILL FOR AN ACT**

1  
2 Relating to insurance; creating new provisions; amending ORS 731.264; and prescribing an effective  
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 731.264 is amended to read:

6 731.264. (1) A complaint made to the Director of the Department of Consumer and Business  
7 Services against any person regulated by the Insurance Code, and the record *[thereof]* **of the com-**  
8 **plaint, [shall be] is confidential and may not be disclosed except as provided in subsection (3) of**  
9 **this section and in ORS 705.137. [No such complaint, or the record thereof, shall] The complaint,**  
10 **and the record of the complaint, may not** be used in any action, suit or proceeding except to the  
11 extent *[considered necessary by the director in the prosecution of]* **the director considers necessary**  
12 **in prosecuting** apparent violations of the Insurance Code or other law.

13 (2) Data gathered pursuant to an investigation by the director of a complaint *[shall be]* **is con-**  
14 **fidential, may not be disclosed except as provided in ORS 705.137 and may not be used in any action,**  
15 **suit or proceeding except to the extent [considered necessary by the director in the investigation or**  
16 **prosecution of] the director considers necessary in investigating or prosecuting** apparent vio-  
17 **lations of the Insurance Code or other law.**

18 (3) **The director may provide to any requester information about complaints that the di-**  
19 **rector receives against an insurer for any of the unlawful practices described in ORS 746.230.**  
20 **Before providing information about a complaint the director receives, the director shall re-**  
21 **move information that could identify the person that submitted the complaint.**

22 *[(3)]* (4) Notwithstanding subsections *[(1) and (2)]* (1) to (3) of this section, the director shall

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 establish by rule a method for publishing an annual statistical report containing the insurer's name  
2 and the number, percentage, type and disposition of complaints *[received by]* the Department of  
3 Consumer and Business Services **receives** against each insurer *[transacting]* **that transacts** insur-  
4 ance within this state.

5 **SECTION 2.** ORS 731.264, as amended by section 1 of this 2016 Act, is amended to read:

6 731.264. (1) A complaint made to the Director of the Department of Consumer and Business  
7 Services against any person regulated by the Insurance Code, and the record of the complaint, is  
8 confidential and may not be disclosed except as provided in *[subsection (3) of this section and in]* ORS  
9 705.137. The complaint, and the record of the complaint, may not be used in any action, suit or  
10 proceeding except to the extent the director considers necessary in prosecuting apparent violations  
11 of the Insurance Code or other law.

12 (2) Data gathered pursuant to an investigation by the director of a complaint is confidential,  
13 may not be disclosed except as provided in ORS 705.137 and may not be used in any action, suit or  
14 proceeding except to the extent the director considers necessary in investigating or prosecuting  
15 apparent violations of the Insurance Code or other law.

16 *[(3) The director may provide to any requester information about complaints that the director re-*  
17 *ceives against an insurer for any of the unlawful practices described in ORS 746.230. Before providing*  
18 *information about a complaint the director receives, the director shall remove information that could*  
19 *identify the person that submitted the complaint.]*

20 *[(4)]* **(3)** Notwithstanding subsections *[(1) to (3)]* **(1) and (2)** of this section, the director shall  
21 establish by rule a method for publishing an annual statistical report containing the insurer's name  
22 and the number, percentage, type and disposition of complaints the Department of Consumer and  
23 Business Services receives against each insurer that transacts insurance within this state.

24 **SECTION 3. (1) The amendments to ORS 731.264 by section 1 of this 2016 Act become**  
25 **operative January 1, 2017.**

26 **(2) The amendments to ORS 731.264 by section 2 of this 2016 Act become operative Jan-**  
27 **uary 1, 2021.**

28 **(3) The Director of the Department of Consumer and Business Services may take any**  
29 **action before the operative date specified in subsection (1) of this section that is necessary**  
30 **to enable the director, on and after the operative date specified in subsection (1) of this**  
31 **section, to exercise all of the duties, functions and powers conferred on the director by the**  
32 **amendments to ORS 731.264 by section 1 of this 2016 Act.**

33 **SECTION 4. This 2016 Act takes effect on July 1, 2016.**