

Enrolled
Senate Bill 1591

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 731.264 is amended to read:

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

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

(3) The director may provide to any requester information about complaints that the director receives against an insurer for any of the unlawful practices described in ORS 746.230. Before providing information about a complaint the director receives, the director shall remove information that could identify the person that submitted the complaint.

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

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

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

(2) Data gathered pursuant to an investigation by the director of a complaint is confidential, may not be disclosed except as provided in ORS 705.137 and may not be used in any action, suit or

proceeding except to the extent the director considers necessary in investigating or prosecuting apparent violations of the Insurance Code or other law.

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

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

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

(2) The amendments to ORS 731.264 by section 2 of this 2016 Act become operative January 1, 2021.

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

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

Passed by Senate February 16, 2016

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 26, 2016

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2016

Approved:

.....M.,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

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Jeanne P. Atkins, Secretary of State