

SB 1591-5
(LC 118)
2/8/16 (TSB/ps)

Requested by Senator SHIELDS

**PROPOSED AMENDMENTS TO
SENATE BILL 1591**

1 On page 1 of the printed bill, line 2, after the semicolon insert “; creating
2 new provisions; amending ORS 731.264; and prescribing an effective date.”
3 and delete the rest of the line.

4 Delete lines 4 through 28.

5 Delete page 2 and insert:

6 **“SECTION 1.** ORS 731.264 is amended to read:

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

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

1 “(3) The director may provide to any requester information about
2 complaints that the director receives against an insurer for any of the
3 unlawful practices described in ORS 746.230. Before providing infor-
4 mation about a complaint the director receives, the director shall re-
5 move information that could identify the person that submitted the
6 complaint.

7 “[(3)] (4) Notwithstanding subsections [(1) and (2)] (1) to (3) of this sec-
8 tion, the director shall establish by rule a method for publishing an annual
9 statistical report containing the insurer’s name and the number, percentage,
10 type and disposition of complaints [received by] the Department of Consumer
11 and Business Services receives against each insurer [transacting] that
12 transacts insurance within this state.

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

15 “731.264. (1) A complaint made to the Director of the Department of
16 Consumer and Business Services against any person regulated by the Insur-
17 ance Code, and the record of the complaint, is confidential and may not be
18 disclosed except as provided in [subsection (3) of this section and in] ORS
19 705.137. The complaint, and the record of the complaint, may not be used in
20 any action, suit or proceeding except to the extent the director considers
21 necessary in prosecuting apparent violations of the Insurance Code or other
22 law.

23 “(2) Data gathered pursuant to an investigation by the director of a
24 complaint is confidential, may not be disclosed except as provided in ORS
25 705.137 and may not be used in any action, suit or proceeding except to the
26 extent the director considers necessary in investigating or prosecuting ap-
27 parent violations of the Insurance Code or other law.

28 “[(3) *The director may provide to any requester information about com-
29 plaints that the director receives against an insurer for any of the unlawful
30 practices described in ORS 746.230. Before providing information about a*

1 *complaint the director receives, the director shall remove information that*
2 *could identify the person that submitted the complaint.]*

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

9 **“SECTION 3. (1) The amendments to ORS 731.264 by section 1 of this**
10 **2016 Act become operative January 1, 2017.**

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

13 **“(3) The Director of the Department of Consumer and Business**
14 **Services may take any action before the operative date specified in**
15 **subsection (1) of this section that is necessary to enable the director,**
16 **on and after the operative date specified in subsection (1) of this sec-**
17 **tion, to exercise all of the duties, functions and powers conferred on**
18 **the director by the amendments to ORS 731.264 by section 1 of this 2016**
19 **Act.**

20 **“SECTION 4. This 2016 Act takes effect on July 1, 2016.”.**

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