

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1139
(Representative Keiser)
(Senator Klein)

AN ACT to create and enact section 26.1-02-31 of the North Dakota Century Code, relating to confidentiality of insurance department records; and to amend and reenact section 26.1-02-30 of the North Dakota Century Code, relating to confidentiality of consumer assistance records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-02-30 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02-30. Consumer assistance records - ~~Exempt~~Confidential.

1. Personal, financial, or health information related to requests for consumer assistance received by the commissioner is ~~an exempt~~ confidential record as defined in section 44-04-17.1.
2. As used in this section, "personal, financial, or health information" means information that would reveal:
 - a. An individual's personal health condition, disease, or injury;
 - b. The existence, nature, source, or amount of an individual's personal income;
 - c. The existence, nature, source, or amount of an individual's personal expenses;
 - d. Records of or relating to an individual's personal financial transactions of any kind;
 - e. The existence, identification, nature, or value of an individual's personal assets, liabilities, or net worth;
 - f. A history of an individual's personal medical diagnosis or treatment;
 - g. The existence, identification, nature, value, or content of an individual's coverage or status under any insurance policy;
 - h. An individual's personal contractual rights or obligations; or
 - i. Any social security number, date of birth, file number, bank account number, or other number used for identification of an individual or any account in which an individual has a personal financial interest.
3. The name of a regulated entity that is the subject of a complaint or inquiry; is not "personal, financial, or health information"; and is not subject to the restrictions in this section.

SECTION 2. Section 26.1-02-31 of the North Dakota Century Code is created and enacted as follows:

26.1-02-31. Confidentiality of complaint information - Exceptions.

1. A document, material, or other information, including the contents of a claim file, which is provided to, obtained by, created by, or disclosed to the commissioner in response to a consumer assistance request or a complaint is confidential and not subject to section 44-04-18, a subpoena to the department, or discovery request or admissible as evidence in a

private civil action. However, the commissioner may disclose the subject matter of the assistance request or complaint, provide a general description of the disposition of the request or complaint, and use the document, material, or other information for a regulatory or legal action brought as a part of the official duties of the commissioner.

2. A privilege or claim of confidentiality in the document, material, or information is not waived as a result of disclosure to the commissioner under this section or as a result of providing or disclosing information to the commissioner.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1139.

House Vote: Yeas 84 Nays 0 Absent 10

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State