

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1054** Session of
1997

INTRODUCED BY MICOZZIE, DEMPSEY, SATHER, COLAIZZO, GEIST, FARGO,
SEMMELE, BATTISTO, ROONEY, MELIO, HENNESSEY, E. Z. TAYLOR,
YOUNGBLOOD AND HALUSKA, MARCH 25, 1997

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 14, 1997

AN ACT

1 Amending the act of May 17, 1921 (P.L.789, No.285), entitled, as
2 amended, "An act relating to insurance; establishing an
3 insurance department; and amending, revising, and
4 consolidating the law relating to the licensing,
5 qualification, regulation, examination, suspension, and
6 dissolution of insurance companies, Lloyds associations,
7 reciprocal and inter-insurance exchanges, and certain
8 societies and orders, the examination and regulation of fire
9 insurance rating bureaus, and the licensing and regulation of
10 insurance agents and brokers; the service of legal process
11 upon foreign insurance companies, associations or exchanges;
12 providing penalties, and repealing existing laws," providing
13 for sharing of confidential information.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.789, No.285), known
17 as The Insurance Department Act of 1921, is amended by adding an
18 article to read:

19 ARTICLE II-A.

20 AUTHORITY TO SHARE CONFIDENTIAL INFORMATION

21 WITH OTHER JURISDICTIONS.

22 Section 201-A. Definitions.--The following words and phrases

1 when used in this article shall have the meanings given to them
2 in this section unless the context clearly indicates otherwise:

3 "Commissioner" means the Insurance Commissioner of the
4 Commonwealth.

5 "Company" means any person engaging in or proposing or
6 attempting to engage in any transaction or kind of insurance ~~or,~~ <—
7 surety OR ANNUITY business and any person or group of persons <—
8 who may otherwise be subject to the administrative or regulatory
9 authority of the Insurance Department.

10 "Department" means the Insurance Department of the
11 Commonwealth.

12 "Insurer" means any individual, corporation, association,
13 partnership, reciprocal exchange, inter-insurer, Lloyd's
14 insurer, and any other legal entity engaged in the business of
15 insurance, including agents, AND brokers, ~~and adjusters,~~ and <—
16 also means health plan corporations as defined in 40 Pa.C.S.
17 Chs. 61 (relating to hospital plan corporations) and 63
18 (relating to professional health services plan corporations),
19 beneficial societies as defined in 40 Pa.C.S. Ch. 67 (relating
20 to beneficial societies), fraternal benefit societies as defined
21 in the act of December 14, 1992 (P.L.835, No.134), known as the
22 "Fraternal Benefit Societies Code" ~~and,~~ health maintenance <—
23 organizations as defined in the act of December 29, 1972
24 (P.L.1701, No.364), known as the "Health Maintenance
25 Organization Act." ACT," AND PREFERRED PROVIDER ORGANIZATIONS AS <—
26 DEFINED IN SECTION 630 OF THE ACT OF MAY 17, 1921 (P.L.682,
27 NO.284), KNOWN AS "THE INSURANCE COMPANY LAW OF 1921," AND 31
28 PA. CODE § 152.2 (RELATING TO DEFINITIONS).

29 "Person" means any individual, aggregation of individuals,
30 trust, association, partnership or corporation or any affiliate

1 thereof.

2 Section 202-A. Authority to Share Confidential

3 Information.--(a) The commissioner shall maintain as

4 confidential any documents, materials or other information

5 received from the National Association of Insurance

6 Commissioners, or its successor organization, or from insurance <—

7 ~~regulatory officials of other states or jurisdictions~~ REGULATORY <—

8 OR LAW ENFORCEMENT OFFICIALS OF THIS COMMONWEALTH OR OTHER

9 JURISDICTIONS in which the documents, materials or other

10 information are confidential by law in those ~~states or~~ <—

11 jurisdictions. Documents, materials or other information

12 obtained by the commissioner under this section shall be given

13 confidential treatment, may not be subject to subpoena and may

14 not be made public by the commissioner or any other person.

15 (b) The commissioner may share confidential documents,

16 materials or other information relating to any company, insurer

17 or person with ~~insurance regulatory officials of other states or~~ <—

18 ~~jurisdictions, or with law enforcement officials of this~~

19 ~~Commonwealth or any other state or jurisdiction or agency of the~~

20 ~~Federal Government~~ REGULATORY OR LAW ENFORCEMENT OFFICIALS OF <—

21 THIS COMMONWEALTH OR OTHER JURISDICTIONS, as long as, prior to

22 receiving the documents, materials or other information, those

23 parties demonstrate by written statement the necessary authority

24 and intent to provide to it the same confidential treatment as

25 required by this article. Access may also be granted to the

26 National Association of Insurance Commissioners or its successor

27 organization if, prior to receiving the information, the

28 organization demonstrates by written statement the intent to

29 provide to it the same confidential treatment as required by

30 this article.

1 Section 2. This act shall take effect immediately.