

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 AND
YOUNGBLOOD, MARCH 25, 1997

REFERRED TO COMMITTEE ON INSURANCE, MARCH 25, 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
23 when used in this article shall have the meanings given to them

1 in this section unless the context clearly indicates otherwise:

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

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

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

11 "Insurer" means any individual, corporation, association,
12 partnership, reciprocal exchange, inter-insurer, Lloyd's
13 insurer, and any other legal entity engaged in the business of
14 insurance, including agents, brokers, and adjusters, and also
15 means health plan corporations as defined in 40 Pa.C.S. Chs. 61
16 (relating to hospital plan corporations) and 63 (relating to
17 professional health services plan corporations), beneficial
18 societies as defined in 40 Pa.C.S. Ch. 67 (relating to
19 beneficial societies), fraternal benefit societies as defined in
20 the act of December 14, 1992 (P.L.835, No.134), known as the
21 "Fraternal Benefit Societies Code" and health maintenance
22 organizations as defined in the act of December 29, 1972
23 (P.L.1701, No.364), known as the "Health Maintenance
24 Organization Act."

25 "Person" means any individual, aggregation of individuals,
26 trust, association, partnership or corporation or any affiliate
27 thereof.

28 Section 202-A. Authority to Share Confidential
29 Information.--(a) The commissioner shall maintain as
30 confidential any documents, materials or other information

1 received from the National Association of Insurance
2 Commissioners, or its successor organization, or from insurance
3 regulatory officials of other states or jurisdictions in which
4 the documents, materials or other information are confidential
5 by law in those states or jurisdictions. Documents, materials or
6 other information obtained by the commissioner under this
7 section shall be given confidential treatment, may not be
8 subject to subpoena and may not be made public by the
9 commissioner or any other person.

10 (b) The commissioner may share confidential documents,
11 materials or other information relating to any company, insurer
12 or person with insurance regulatory officials of other states or
13 jurisdictions, or with law enforcement officials of this
14 Commonwealth or any other state or jurisdiction or agency of the
15 Federal Government, as long as, prior to receiving the
16 documents, materials or other information, those parties
17 demonstrate by written statement the necessary authority and
18 intent to provide to it the same confidential treatment as
19 required by this article. Access may also be granted to the
20 National Association of Insurance Commissioners or its successor
21 organization if, prior to receiving the information, the
22 organization demonstrates by written statement the intent to
23 provide to it the same confidential treatment as required by
24 this article.

25 Section 2. This act shall take effect immediately.