

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS75194-LT-93 (3/17)

Short Title: Confidential Insurance Mkt./Insurance Doc. (Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE  
MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 2 of Chapter 58 of the General Statutes is amended by  
adding the following new section to read:

**"§ 58-2-240. Market conduct analysis, financial analysis, and related information  
not public record.**

Notwithstanding any other provision of law, all market conduct analysis and  
financial analysis documents, ratios, programs, findings, or other information, and  
copies thereof produced by, obtained by, or disclosed to the Commissioner or any other  
person in connection with a market conduct analysis or financial analysis shall be  
confidential, are not subject to subpoena, and shall not be made public by the  
Commissioner or any other person, except as provided in this section, G.S. 58-2-128,  
and G.S. 58-2-132(g) through (j). The Commissioner may use these documents,  
materials, findings, or other information in the furtherance of any regulatory or legal  
action brought as part of the Commissioner's official duties.

If the Commissioner determines that the interest of an insurer's policyholders or the  
public will be served by the publication of these documents, materials, findings, or other  
information, the Commissioner may, after giving the insurer notice and opportunity to  
be heard, publish all or any part thereof in such a manner as the Commissioner deems  
appropriate."

**SECTION 2.** G.S. 58-2-132(f) reads as rewritten:

"(f) All working papers, information, documents, and copies thereof produced by,  
obtained by, or disclosed to the Commissioner or any other person in connection with  
an ~~examination~~ examination, market conduct analysis, or financial analysis shall be  
given confidential treatment, are not subject to subpoena, and shall not be made public

1 by the Commissioner or any other person. The Commissioner may use the documents,  
2 materials, or other information in the furtherance of any regulatory or legal action  
3 brought as part of the Commissioner's official duties."

4 **SECTION 3.** This act becomes effective October 1, 2005.