

SENATE BILL NO. 1348

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

5204S.03I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 374.190, RSMo, and to enact in lieu thereof two new sections relating to insurance documents.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 374.190, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 374.190 and 374.192, to read as follows:

374.190. 1. The director shall examine and inquire into all violations of the insurance laws of the state, and inquire into and investigate the business of insurance transacted in this state by any insurance agent, broker, agency or insurance company.

2. He or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, agents, employees, solicitors, attorneys or any other person, in reference to the condition, affairs, management of the business, or any matters relating thereto. He may administer oaths or affirmations, and shall have power to summon and compel the attendance of witnesses, and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by another than the

19 director in person, the person duly appointed by the
20 director shall have the same powers as above granted to the
21 director. A certificate of appointment, under the official
22 seal of the director, shall be sufficient authority and
23 evidence thereof for the person or persons to act. For the
24 purpose of making the investigations, or having the same
25 made, the director may employ the necessary clerical,
26 actuarial and other assistance.

27 **4. Notwithstanding any provision of law to the**
28 **contrary, the confidentiality provisions of section 374.205,**
29 **including subdivision (5) of subsection 3 of section**
30 **374.205, and subsection 4 of section 374.205, shall apply to**
31 **all reports, working papers, recorded information,**
32 **documents, and copies thereof, produced by, obtained by, or**
33 **disclosed to the director or any other person in the course**
34 **of any market conduct investigation or market conduct action.**

374.192. 1. Notwithstanding any provision of law to
2 the contrary, a regulated entity shall have not less than
3 thirty business days to submit any record or material
4 requested by the department.

5 2. Notwithstanding any provision of law to the
6 contrary, any record or document, regardless of physical
7 form or characteristic, maintained beyond the record
8 retention period specified in section 374.205 shall not be
9 subject to request or review by the director unless the
10 director has substantial and competent evidence that the
11 regulated entity has willfully engaged in an act or omission
12 constituting a level four or five violation of the laws of
13 this state relating to insurance, including this chapter,
14 chapter 354, and chapters 375 to 385, or has been convicted
15 of any felony related to the business of insurance, in which
16 case the director may request or review records or documents

17 maintained beyond the record retention period specified in
18 section 374.205 that directly relate to the violation or
19 conviction.

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