

**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.

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Speaker of the House

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President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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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