

CHAPTER 47

(HB 313)

AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 304.47-055 is amended to read as follows:

- (1) Documents, materials, or other information in the possession or control of the commissioner that is provided according to this subtitle shall be confidential by law and privileged, and shall not be subject to the Kentucky Open Records Act, KRS 61.872 to KRS 61.884. These documents, materials, or other information shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action, unless, after notice to the commissioner and a hearing, a court of competent jurisdiction determines the commissioner would not be unnecessarily hindered. However, the commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.
- (2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.
- (3) In order to assist in the performance of the commissioner's duties, the commissioner:
 - (a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsections (1) and (2) of this section, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, *with the National Insurance Crime Bureau*, and with local, state, federal, and international law enforcement authorities, if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;
 - (b) May receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners, its affiliates or subsidiaries, *from the National Insurance Crime Bureau*, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential and privileged any documents, materials, or information received with notice or the understanding that it is confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or information;
 - (c) May enter into agreements governing the sharing and use of information including the furtherance of any regulatory or legal action brought as part of the recipient's official duties.
- (4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this subtitle or as a result of sharing as authorized in subsection (3) of this section.

➔Section 2. KRS 304.47-060 is amended to read as follows:

- (1) In the absence of malice, fraud, or gross negligence, a person shall not be subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports or furnishing other information required by this chapter or requested by the division or its authorized representative. No civil cause of action of any nature shall arise against the person:
 - (a) For any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents, or employees;
 - (b) For any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this subtitle, including those designated by KRS 304.47-080;
 - (c) For any information furnished to or received from the Department of Workers' Claims, its agents, or employees;~~{or}~~

- (d) For any information furnished in reports to the commissioner or the National Association of Insurance Commissioners; *or*
 - (e) ***For any information relating to suspected fraudulent insurance acts furnished to or received from the National Insurance Crime Bureau or its successor organization.***
- (2) The commissioner or any employee or agent of the department~~[of Insurance]~~ shall not be subject to civil liability for libel, slander, or any other relevant tort. No civil cause of action shall exist against these persons by virtue of the execution of official activities or duties of the commissioner or the division or by virtue of the publication of any report or bulletin related to the official activities or duties of the commissioner.
 - (3) This subtitle shall not abrogate or modify any common law or statutory privilege or immunity enjoyed by any person.

➔SECTION 3. KRS 304.20-410 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) ***Motor vehicle insurance companies shall give an appropriate discount, based on sound actuarial principles, on comprehensive coverage for insured motor vehicles with an antitheft device or mechanism.***
- (2) ***If two (2) or more antitheft devices or mechanisms are attached to a motor vehicle, the total discount shall be that applicable to the device or mechanism that meets the insurer's standards for the highest discount.***

➔Section 4. KRS 304.13-065 is amended to read as follows:

For motor vehicle insurance rates, whether in a competitive market or a noncompetitive market, appropriate reductions in premium charges for comprehensive coverage shall be applied to those motor vehicles equipped with an antitheft device as provided in KRS 304.20-410~~[to 304.20-440 which has been approved by the commissioner]~~.

➔Section 5. The following KRS sections are repealed:

304.20-400 Definitions.

304.20-420 Fifteen percent discount.

304.20-430 Twenty percent discount.

304.20-440 Highest discount to apply for use of two or more antitheft devices.

304.20-450 Application of KRS 304.20-400 to 304.20-440.

➔Section 6. Section 3 of this Act shall apply to all motor vehicle insurance policies issued or renewed on or after the effective date of this Act.

➔Section 7. Sections 3 to 5 of this Act shall take effect January 1, 2021.

Signed by Governor March 27, 2020.