

1 AN ACT relating to insurance.

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

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

4 (1) Documents, materials, or other information in the possession or control of the
5 commissioner that is provided according to this subtitle shall be confidential by law
6 and privileged, and shall not be subject to the Kentucky Open Records Act, KRS
7 61.872 to KRS 61.884. These documents, materials, or other information shall not
8 be subject to subpoena, and shall not be subject to discovery or admissible in
9 evidence in any private civil action, unless, after notice to the commissioner and a
10 hearing, a court of competent jurisdiction determines the commissioner would not
11 be unnecessarily hindered. However, the commissioner may use the documents,
12 materials, or other information in the furtherance of any regulatory or legal action
13 brought as a part of the commissioner's official duties.

14 (2) Neither the commissioner nor any person who received documents, materials, or
15 other information while acting under the authority of the commissioner shall be
16 permitted or required to testify in any private civil action concerning any
17 confidential documents, materials, or information subject to subsection (1) of this
18 section.

19 (3) In order to assist in the performance of the commissioner's duties, the
20 commissioner:

21 (a) May share documents, materials, or other information, including the
22 confidential and privileged documents, materials, or information subject to
23 subsections (1) and (2) of this section, with other state, federal, and
24 international regulatory agencies, with the National Association of Insurance
25 Commissioners, its affiliates or subsidiaries, ***with the National Insurance***
26 ***Crime Bureau***, and with local, state, federal, and international law
27 enforcement authorities, if the recipient agrees to maintain the confidentiality

- 1 and privileged status of the documents, materials, or other information;
- 2 (b) May receive documents, materials, or other information, including otherwise
3 confidential and privileged documents, materials, or information from the
4 National Association of Insurance Commissioners, its affiliates or
5 subsidiaries, from the National Insurance Crime Bureau, and from
6 regulatory and law enforcement officials of other foreign or domestic
7 jurisdictions, and shall maintain as confidential and privileged any documents,
8 materials, or information received with notice or the understanding that it is
9 confidential and privileged under the laws of the jurisdiction that is the source
10 of the documents, materials, or information;
- 11 (c) May enter into agreements governing the sharing and use of information
12 including the furtherance of any regulatory or legal action brought as part of
13 the recipient's official duties.
- 14 (4) No waiver of any applicable privilege or claim of confidentiality in the documents,
15 materials, or information shall occur as a result of disclosure to the commissioner
16 under this subtitle or as a result of sharing as authorized in subsection (3) of this
17 section.
- 18 ➔Section 2. KRS 304.47-060 is amended to read as follows:
- 19 (1) In the absence of malice, fraud, or gross negligence, a person shall not be subject to
20 civil liability for libel, slander, or any other relevant tort by virtue of filing reports or
21 furnishing other information required by this chapter or requested by the division or
22 its authorized representative. No civil cause of action of any nature shall arise
23 against the person:
- 24 (a) For any information relating to suspected fraudulent insurance acts furnished
25 to or received from law enforcement officials, their agents, or employees;
- 26 (b) For any information relating to suspected fraudulent insurance acts furnished
27 to or received from other persons subject to the provisions of this subtitle,

- 1 including those designated by KRS 304.47-080;
- 2 (c) For any information furnished to or received from the Department of Workers'
- 3 Claims, its agents, or employees;~~[-or]~~
- 4 (d) For any information furnished in reports to the commissioner or the National
- 5 Association of Insurance Commissioners; or
- 6 (e) For any information relating to suspected fraudulent insurance acts
- 7 furnished to or received from the National Insurance Crime Bureau or its
- 8 successor organization.
- 9 (2) The commissioner or any employee or agent of the department~~[-of Insurance]~~ shall
- 10 not be subject to civil liability for libel, slander, or any other relevant tort. No civil
- 11 cause of action shall exist against these persons by virtue of the execution of official
- 12 activities or duties of the commissioner or the division or by virtue of the
- 13 publication of any report or bulletin related to the official activities or duties of the
- 14 commissioner.
- 15 (3) This subtitle shall not abrogate or modify any common law or statutory privilege or
- 16 immunity enjoyed by any person.

17 ➔SECTION 3. KRS 304.20-410 IS REPEALED AND REENACTED TO READ

18 AS FOLLOWS:

- 19 (1) Motor vehicle insurance companies shall give an appropriate discount, based on
- 20 sound actuarial principles, on comprehensive coverage for insured motor
- 21 vehicles with an antitheft device or mechanism, if the antitheft device or
- 22 mechanism is:
- 23 (a) Factory installed; or
- 24 (b) Approved by the commissioner.
- 25 (2) If two (2) or more antitheft devices or mechanisms that meet the criteria for a
- 26 discount under subsection (1) of this section are attached to a motor vehicle, the
- 27 total discount shall be that applicable to the device or mechanism that meets the

1 **insurer's standards for the highest discount.**

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

3 For motor vehicle insurance rates, whether in a competitive market or a noncompetitive
4 market, appropriate reductions in premium charges for comprehensive coverage shall be
5 applied to those motor vehicles equipped with an antitheft device as provided in KRS
6 304.20-410~~[to 304.20-440 which has been approved by the commissioner]~~.

7 ➔Section 5. The following KRS sections are repealed:

8 304.20-400 Definitions.

9 304.20-420 Fifteen percent discount.

10 304.20-430 Twenty percent discount.

11 304.20-440 Highest discount to apply for use of two or more antitheft devices.

12 304.20-450 Application of KRS 304.20-400 to 304.20-440.

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