

§6806. Reporting requirements; confidentiality of information

1. Annual report. A settlement provider licensee shall file with the superintendent by March 1st of each year an annual statement containing such information as the superintendent prescribes by rule, including information related to settlement transactions on policies settled within 5 years of policy issuance. The superintendent may not adopt any rule that requires the submission of information that permits the identification of a viator or relates to transactions when the viator is not a resident of this State. The superintendent may not request, collect or compile personal information that identifies any viator or insured except in connection with the investigation of a specific complaint and with the prior written permission of the viator or insured or the viator's or insured's estate or representative to collect that information. The annual statement required by this subsection and by rule of the superintendent is a public record within the meaning of Title 1, chapter 13, subchapter 1.

[PL 2017, c. 75, §1 (AMD).]

1-A. Fee for filing annual report. The fee for filing the annual report is the same as for an insurer as provided in section 601. On or before July 1st of each year, the superintendent shall forward to each settlement provider an itemized bill for the amount due for the filing of the annual statement and the amount due for the certificate of authority annual fee.

[PL 2003, c. 636, §9 (AMD).]

2. Privacy protection. Except as otherwise required or permitted by law, a settlement provider, settlement producer, insurance company, insurance producer, independent insurance producer, information bureau, rating company or any other person with actual knowledge of the identity of a viator, or of the insured if other than the viator, may not disclose that identity, or the insured's financial or medical information, to any other person unless the disclosure:

A. Is necessary to effectuate a settlement contract between the viator and a settlement provider and the viator and the insured have provided prior written consent to the disclosure; [PL 2003, c. 636, §9 (AMD).]

B. Is provided in response to an investigation or examination by the superintendent or any other government officer or agency pursuant to section 6807; [PL 2003, c. 636, §9 (AMD).]

C. Is necessary to permit a financing entity, related provider trust or special purpose entity to finance the purchase of policies by a settlement provider and the viator and insured have provided prior written consent to the disclosure; [PL 2003, c. 636, §9 (AMD).]

D. Is a term or condition to the transfer of a policy by one settlement provider to another settlement provider; [PL 2003, c. 636, §9 (NEW).]

E. Is necessary to allow the settlement provider or insurance producer or an authorized representative to make contacts for the purpose of determining health status; or [PL 2003, c. 636, §9 (NEW).]

F. Is required to purchase stop-loss coverage. [PL 2003, c. 636, §9 (NEW).]

[PL 2003, c. 636, §9 (AMD).]

3. Sale or transfer.

[PL 2003, c. 636, §9 (RP).]

SECTION HISTORY

PL 1997, c. 430, §1 (NEW). PL 1997, c. 430, §2 (AFF). PL 1997, c. 592, §81 (AMD). PL 2003, c. 636, §9 (AMD). PL 2009, c. 376, §8 (AMD). PL 2017, c. 75, §1 (AMD).

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