

By: Smithee

H.B. No. 4461

A BILL TO BE ENTITLED

AN ACT

relating to confidentiality of certain information maintained by the Texas Department of Insurance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 36, Insurance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. INVESTIGATION FILES

Sec. 36.251. DEFINITION. In this subchapter, "investigation file" means any information collected, assembled, or maintained by or on behalf of the department with respect to an investigation conducted under this code or other law. The term does not include information or material acquired by the department that is:

(1) relevant to an investigation by the insurance fraud unit; and

(2) subject to Section 701.151.

Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a) Information or material acquired by the department that is relevant to an investigation is not a public record for the period that the department determines is relevant to further or complete an investigation, protect persons from unwarranted injury, or serve the public interest.

(b) Investigation files are not open records for purposes of Chapter 552, Government Code except as specified herein.

1       Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT  
2 REQUIRED. The department is not required to disclose under this  
3 subchapter:

4           (1) information that is:

5                   (A) an attorney-client communication; or

6                   (B) an attorney work product; or

7           (2) other information protected by a recognized  
8 privilege, a statute, an administrative rule, the Texas Rules of  
9 Civil Procedure, or the Texas Rules of Evidence.

10       SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.