

2025 Regular Session

HOUSE BILL NO. 248

BY REPRESENTATIVES WILDER, BAGLEY, BUTLER, DEVILLIER, HILFERTY,
AND MCFARLAND

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE COMMISSIONER: Provides for confidential information relative to public
inspection

1 AN ACT

2 To amend and reenact R.S. 22:1464(D), relative to rate filing; to provide for public
3 inspection with respect to rates and supporting information; to provide for the duties
4 and responsibilities of the commissioner of insurance; to require the commissioner
5 of insurance to determine if information is confidential, trade secret, or proprietary
6 relative to public inspection; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1464(D) is hereby amended and reenacted to read as follows:

9 §1464. Rate filing

10 * * *

11 D.(1) All rates, supplementary rate information, and any supporting
12 information filed pursuant to this Subpart shall be open to public inspection upon
13 expiration of the notification period as applicable pursuant to R.S. 22:1451, or upon
14 disapproval, except for information ~~which is deemed~~ that is confidential, trade secret,
15 or proprietary ~~by the insurer or filer~~. The determination of whether such information
16 is in fact confidential, trade secret, or proprietary shall be made by the commissioner.

1 (2)(a) If the commissioner receives a request for any information which has
2 been marked by the insurer or filer as confidential, trade secret, or proprietary, prior
3 to disclosure, the commissioner shall notify the insurer or filer in writing of the
4 request and the commissioner's determination of whether or not the information so
5 requested is subject to disclosure.

6 (b) Within ten days of receipt of the notification, the insurer or filer may
7 request a hearing before the division of administrative law in accordance with R.S.
8 22:2191 et seq. In the event of a hearing request, the commissioner's determination
9 as to whether the information is confidential, trade secret, or proprietary shall be
10 stayed.

11 (c) Any action brought pursuant to this Paragraph shall be tried by preference
12 and in a summary manner. The court may review the documents in camera-before
13 reaching a decision.

14 (3) Nothing in this Subsection precludes the public examination or
15 reproduction of any record or part of a record which is not confidential, proprietary,
16 or trade secret.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 248 Reengrossed

2025 Regular Session

Wilder

Abstract: Provides for the commissioner of insurance's determination of confidential, trade secret, or proprietary information relative to public inspection.

Present law provides for public inspection of all rates, supplementary rate information, and any supporting information upon expiration of the notification periods provided for in present law (R.S. 22:1451), or upon rate disapproval by the commissioner of insurance (commissioner), except for information deemed confidential, trade secret, or proprietary by the insurer or filer.

Proposed law modifies present law to require the commissioner to determine whether information submitted by an insurer or filer is confidential, trade secret, or proprietary. Further requires the commissioner to notify the insurer or filer when a request is made for such information and to include in the notice a determination of whether the information is subject to public disclosure.

Proposed law authorizes the insurer or filer to request a hearing before the division of administrative law within 10 days of receipt of the commissioner's notice.

Proposed law provides that the commissioner's determination is stayed if a hearing is requested. Requires that such hearings be conducted by preference and in a summary manner. Authorizes the reviewing court to examine the disputed documents in camera prior to rendering a decision.

Proposed law does not prohibit public examination or reproduction of records or parts of records that are not determined to be confidential, trade secret, or proprietary.

(Amends R.S. 22:1464(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Make a technical change to the title to include duties and responsibilities of the commissioner of insurance.

The House Floor Amendments to the engrossed bill:

1. Require the commissioner to determine if information submitted by an insurer or filer is confidential, a trade secret, or proprietary, and to notify the insurer or filer when a request is made for such information and include whether the information is subject to disclosure.
2. Authorize the filer to request a hearing before the division of administrative law within 10 days of receipt of notice. Require a stay of the commissioner's determination if a hearing is requested, with hearings to be conducted in preference and summarily.
3. Authorize in-camera review of documents by the court.
4. Authorize public examination or reproduction of records that are not confidential, trade secret, or proprietary.