

SB21-169

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Buckner

1 Amend the Business, Labor, and Technology Committee Report, dated
2 May 3, 2021, page 3, strike lines 36 through 38 and substitute:

3 "(c) DOCUMENTS, MATERIALS, AND OTHER INFORMATION IN THE
4 POSSESSION OR CONTROL OF THE DIVISION THAT ARE OBTAINED BY,
5 CREATED BY, OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER
6 PERSON PURSUANT TO THIS SECTION OR ANY RULES ADOPTED PURSUANT
7 TO THIS SECTION ARE RECOGNIZED AS PROPRIETARY AND CONTAINING
8 TRADE SECRETS. ALL SUCH DOCUMENTS, MATERIALS, AND OTHER
9 INFORMATION ARE CONFIDENTIAL AND PRIVILEGED; ARE NOT SUBJECT TO
10 DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
11 ARTICLE 72 OF TITLE 24, OR OTHER OPEN RECORDS, FREEDOM OF
12 INFORMATION, SUNSHINE, OR SIMILAR LAW OF THIS STATE; ARE NOT
13 SUBJECT TO SUBPOENA; AND ARE NOT SUBJECT TO DISCOVERY OR
14 ADMISSIBLE IN EVIDENCE IN ANY PRIVATE CIVIL ACTION. HOWEVER, THE
15 COMMISSIONER MAY USE THE DOCUMENTS, MATERIALS, OR OTHER
16 INFORMATION IN THE FURTHERANCE OF ANY REGULATORY OR LEGAL
17 ACTION BROUGHT AS PART OF THE COMMISSIONER'S OFFICIAL DUTIES. THE
18 COMMISSIONER SHALL NOT OTHERWISE MAKE THE DOCUMENTS,
19 MATERIALS, OR OTHER INFORMATION PUBLIC WITHOUT THE PRIOR WRITTEN
20 CONSENT OF THE INSURER FROM WHICH THE DOCUMENTS, MATERIALS, OR
21 OTHER INFORMATION WAS OBTAINED. THE COMMISSIONER MAY MAKE
22 DATA PUBLICLY AVAILABLE IN AN AGGREGATED OR DE-IDENTIFIED
23 FORMAT IN A MANNER DEEMED APPROPRIATE BY THE COMMISSIONER."

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