

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R028-12

Effective September 14, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 679B.130.

A REGULATION relating to insurance; removing obsolete references to the Advocate for Insurance Customers; and providing other matters properly relating thereto.

Section 1. NAC 679B.034 is hereby amended to read as follows:

679B.034 1. Except as otherwise provided in this section or required by NRS 679B.280:

(a) Any records or other information obtained pursuant to NRS 679B.250 shall be deemed to be obtained by the Commissioner or examiner upon the express condition that they remain confidential.

(b) The Commissioner will classify those records and that other information as confidential during the period:

(1) Before completion of the examination unless the Commissioner determines that the interests of the public, or of the policyholders or shareholders of the person being examined, will be served by allowing public inspection of the records and other information at that time.

(2) After completion of the examination unless:

(I) The Commissioner takes disciplinary action based upon the results of the examination;

(II) ~~[(The Advocate for Insurance Customers requests release of the records and other information for public inspection;~~

~~—(III)]~~ The person who was being examined submits to the Commissioner a written request to release the records and other information for public inspection; or

~~[(IV)]~~ (III) A law enforcement agency requests release of the records and other information for public inspection.

2. No records or other information may be released for public inspection pursuant to subparagraph (2) of paragraph (b) of subsection 1 except upon the written order of the Commissioner.

~~[3.—The Commissioner will not classify as confidential any records or other information he or she authorizes the Advocate for Insurance Customers to examine pursuant to NRS 686B.420.]~~

NRS 233B.066
INFORMATIONAL STATEMENT
LCB File No. R028-12

A workshop was held on June 5, 2012, and a hearing was held on June 14, 2012, at the offices of the Department of Business and Industry, Division of Insurance (“Division”), 1818 East College Parkway, Carson City, Nevada 89706, with a simultaneous videoconference conducted at the Bradley Building, 2501 East Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104, in regard to adoption of the regulation concerning obsolete references to the Advocate for Insurance Customers.

Public comment was solicited by posting notices of the workshop and hearing at the following public locations: the Division’s Web site, the Division’s Carson City and Las Vegas offices, Carson City Courthouse, Office of the Attorney General, Capitol Building Lobby, Capitol Building Press Room, Blasdel Building, and Legislative Counsel Bureau; and by providing the notices of the workshop and hearing to: the Donald W. Reynolds Press Center, Nevada State Library, Carson City Library, Churchill County Library, Clark County District Library, Douglas County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lander County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, and White Pine County Library.

The Division maintains a list of interested parties, comprised mainly of insurance companies, agencies and other persons regulated by the Division. These persons were notified of the workshop and hearing and that a copy of the regulation could be obtained from or examined at the offices of the Division.

The workshop was attended by two (2) interested individuals in Carson City and one (1) interested individual in Las Vegas. The Division did not receive any written comments from interested parties. Oral testimony was provided by Cliff King, representing the Division. There were no public comments, testimony or questions by the industry or interested parties.

The hearing was not attended by any interested individual in Carson City, and one (1) individual attended in Las Vegas. During the hearing, oral testimony was provided by Cliff King, representing the Division. There were no public comments, testimony or questions by the industry or interested parties.

After considering the record and the recommendation of the hearing officer, the Commissioner has issued an order adopting the regulation, LCB File No. R028-12, as proposed, as a permanent regulation of the Division.

The economic impact of the regulation is as follows:

- (a) On the business it is to regulate: The proposed regulation should have no economic impact on the industry that the Division of Insurance regulates.
- (b) On Small Business: The proposed regulation should have no economic impact on small business.

- (c) On the public: The proposed regulation should have no economic impact on the public.

There should be no cost to the Division to comply with the proposed regulation since there has not been an Advocate for Insurance Customers since 1995. The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF THE

CAUSE NO. **12.0193**
LCB FILE NO. **R028-12**

**REGULATION CONCERNING
THE ADVOCATE FOR INSURANCE
CUSTOMERS**

**SUMMARY OF PROCEEDINGS
AND ORDER**

SUMMARY OF PROCEEDINGS

A public workshop, as required by NRS 233B.061, on the proposed regulation concerning obsolete references to the Advocate for Insurance Customers was held before Amy L. Parks, Hearing Officer, on June 5, 2012, at the office of the Nevada Division of Insurance (“Division”) in Carson City, Nevada, and videoconferenced to the Bradley Building in Las Vegas, Nevada. A public hearing on the proposed regulation was also held before the Hearing Officer, on June 14, 2012, in Carson City, Nevada, and videoconferenced to the Bradley Building in Las Vegas, Nevada. The regulation is proposed under the authority of NRS 679B.130.

The workshop was attended by two (2) individuals in Carson City and one (1) individual in Las Vegas. The hearing was attended by no interested party in Carson City, and one (1) in Las Vegas. The Division received no written comments, nor oral testimony, from the industry or interested parties. During the workshop and the hearing, Cliff King, representing the Division, provided oral testimony before the Hearing Officer, explaining that the regulation, if adopted, will amend that portion of NAC 679B.034 which is now obsolete by removing the reference to the Advocate for Insurance Customers. Mr. King made the recommendation that the proposed regulation, LCB File No. R028-12, be adopted, as proposed, as a permanent regulation of the Division.

RECOMMENDED ORDER OF THE HEARING OFFICER

Based upon the testimony received at the workshop and hearing, and the written comments received, if any, it is recommended that the proposed regulation concerning the Advocate for Insurance Customers, LCB File No. R028-12, be adopted, as proposed, as a permanent regulation of the Division. See Exhibit A.

SO RECOMMENDED this 3rd day of July, 2012.

/s/
AMY L. PARKS
Hearing Officer

ORDER OF THE COMMISSIONER

Having reviewed the record in this matter and the recommendation of the Hearing Officer, it is hereby ordered that the proposed regulation relating to the Advocate for Insurance Customers, LCB File No. R028-12, be adopted, as proposed, as a permanent regulation of the Division. See Exhibit A.

SO ORDERED this 5th day of July, 2012.

/s/
SCOTT J. KIPPER
Commissioner of Insurance