

Subd. 2. DUTIES. The advisory task force shall advise the commissioner of public safety on the development of the plan required by section 1.

Subd. 3. ADMINISTRATIVE ASSISTANCE. The commissioner of public safety shall provide office space and administrative assistance necessary for the performance of the advisory task force's duties.

Sec. 3. REPEALER.

Section 2 is repealed effective June 30, 1991.

Sec. 4. EFFECTIVE DATE.

Sections 1 and 2 are effective July 1, 1990.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:53 a.m.

CHAPTER 467—H.F.No. 2204

An act relating to insurance; clarifying an insurer's duty to provide loss or claims experience data to an insured; amending Minnesota Statutes 1989 Supplement, sections 72A.20, subdivision 26; 72A.501, subdivision 1; and 72A.502, subdivision 9, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1989 Supplement, section 72A.20, subdivision 26, is amended to read:

Subd. 26. LOSS EXPERIENCE. An insurer shall without cost to the insured provide an insured with the loss or claims experience of that insured for the current policy period and for the two policy periods preceding the current one for which the insurer has provided coverage, within 30 days of a request for the information by the policyholder. Claims experience data must be provided to the insured in accordance with state and federal requirements regarding the confidentiality of medical data. The insurer shall not be responsible for providing information without cost more often than once in a 12-month period. The insurer is not required to provide the information if the policy covers the employee of more than one employer and the information is not maintained separately for each employer and not all employers request the data.

An insurer, health maintenance organization, or a third-party administrator may not request more than three years of loss or claims experience as a condition of submitting an application or providing coverage.

New language is indicated by underline, deletions by ~~strikeout~~.

This subdivision does not apply to individual life and health insurance policies or personal automobile or homeowner's insurance policies.

Sec. 2. Minnesota Statutes 1989 Supplement, section 72A.501, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT; CONTENT.** An authorization used by an insurer, insurance-support organization, or insurance agent to disclose or collect personal or privileged information must be in writing and must meet the following requirements:

- (1) is written in plain language;
- (2) is dated;
- (3) specifies the types of persons authorized to disclose information about the person;
- (4) specifies the nature of the information authorized to be disclosed;
- (5) names the insurer or insurance agent and identifies by generic reference representatives of the insurer to whom the person is authorizing information to be disclosed;
- (6) specifies the purposes for which the information is collected; and
- (7) specifies the length of time the authorization remains valid.

Sec. 3. Minnesota Statutes 1989 Supplement, section 72A.502, subdivision 9, is amended to read:

Subd. 9. **GROUP POLICYHOLDER.** Personal or privileged information may be disclosed ~~with~~ without written authorization to a group policyholder only to report claims experience or conduct an audit of the insurer's or agent's operations or services, if the information disclosed is reasonably necessary for the group policyholder to conduct the review or audit.

Sec. 4. Minnesota Statutes 1989 Supplement, section 72A.502, is amended by adding a subdivision to read:

Subd. 11a. **MERGER OR SALE.** Personal or privileged information may be disclosed to a party or representative of a party to a proposed or consummated sale, transfer, merger, or consolidation of all or part of the business of the insurer, agent, or insurance-support organization, without a written authorization provided:

- (1) prior to the consummation of the sale, transfer, merger, or consolidation, only such information is disclosed as is reasonably necessary to enable the recipient to make business decisions about the merger, transfer, purchase, or consolidation; and

New language is indicated by underline, deletions by ~~strikeout~~.

(2) the recipient agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurer, agent, or insurance-support organization.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:30 a.m.

CHAPTER 468—H.F.No. 2401

An act relating to traffic regulations; increasing from a petty misdemeanor to a misdemeanor the penalty for driving past railroad crossing warning devices and flaggers; providing a gross misdemeanor penalty for a railroad crossing violation committed while intoxicated; providing for instruction in railroad crossing safety at driver improvement clinics; establishing standards and procedures for closing a railroad crossing; imposing penalties; amending Minnesota Statutes 1988, sections 169.26; and 169.973, subdivision 1; Minnesota Statutes 1989 Supplement, section 169.121, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 219; repealing Minnesota Statutes 1988, sections 219.27 and 219.28.

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

Section 1. Minnesota Statutes 1989 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. **CRIMINAL PENALTIES.** (a) A person who violates subdivision 1 or an ordinance in conformity with it is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor who violates subdivision 1 or an ordinance in conformity with it within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions.

For purposes of this paragraph, a prior impaired driving conviction is a prior conviction under this section, section 84.91, subdivision 1, paragraph (a), 169.129, 361.12, subdivision 1, paragraph (a), 609.21, subdivision 1, clause (2) or (3), 609.21, subdivision 2, clause (2) or (3), 609.21, subdivision 3, clause (2) or (3), 609.21, subdivision 4, clause (2) or (3), or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(c) A person who violates subdivision 1a is guilty of a gross misdemeanor.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

New language is indicated by underline, deletions by ~~strikeout~~.