



AN ACT PROVIDING THAT LOSS INFORMATION RELATED TO INSURANCE MUST BE PROVIDED TO THE POLICYHOLDER ON REQUEST; INCLUDING LOSS RESERVES AS PART OF LOSS INFORMATION FOR WORKERS' COMPENSATION CLAIMS; LIMITING THE USES OF LOSS INFORMATION BY POLICYHOLDERS AND PROHIBITING FURTHER DISCLOSURE OF LOSS INFORMATION; AMENDING SECTION 39-71-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1. Disclosure of certain claim information on insurance policies.** (1) On request of a policyholder, an insurer shall provide to the policyholder, or to an insurance producer designated by the policyholder, a list of claims charged against the policy.

(2) The information must include:

- (a) the date and description of the claim;
- (b) details relating to the cause and disposition of the claim; and
- (c) a list of the claims charged against the policy, including payments made on each claim.

(3) The information must be provided within 10 days of the policyholder's request.

(4) The information provided under this section is confidential insurance information. The information may be used by the policyholder for internal management purposes or for procuring insurance products but may not be disclosed for any other purpose without the express written consent of the insurer.

(5) This section does not apply to workers' compensation insurance.

**Section 2.** Section 39-71-606, MCA, is amended to read:

**"39-71-606. Insurer to accept or deny claim within 30 days of receipt -- notice of benefits and entitlements to claimants -- notice of denial -- notice of reopening -- notice to employer -- employer's right to loss information.** (1) Each insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation signed by the claimant or the claimant's representative,

either accept or deny the claim and, if denied, shall inform the claimant and the department in writing of the denial.

(2) The department shall make available to insurers for distribution to claimants sufficient copies of a document describing current benefits and entitlements available under Title 39, chapter 71. ~~Upon~~ On receipt of a claim, each insurer shall promptly notify the claimant in writing of potential benefits and entitlements available by providing the claimant a copy of the document prepared by the department.

(3) Each insurer under plan No. 2 or No. 3 for the payment of workers' compensation benefits shall notify the employer of the reopening of the claim within 14 days ~~of~~ after the reopening of a claim for the purpose of paying compensation benefits.

(4) ~~(a) Upon the request of~~ When requested by an employer that it ~~an insurer currently insures or has insured in the immediately preceding 5 years or when requested by the employer's designated insurance producer,~~ an insurer shall notify the employer of ~~provide the loss information listed in subsection (4)(b) within 10 days of the request.~~

(b) Loss information provided under this subsection (4) must include for the period requested:

(i) all date of injury or occupational disease data for the employer's claims;

(ii) payment data on the employer's closed claims; and

(iii) payment data and loss reserve amounts on the employer's open claims, including all compensation benefits that are ongoing and are being charged against that employer's account.

(c) The information provided under this subsection (4) is confidential insurance information. The information may be used by the employer for internal management purposes or for procuring insurance products but may not be disclosed for any other purpose without the express written consent of the insurer.

(5) Failure of an insurer to comply with the time limitations required in ~~this section~~ subsections (1) and (3) does not constitute an acceptance of a claim as a matter of law. However, an insurer who fails to comply with 39-71-608 or ~~this section~~ subsections (1) and (3) of this section may be assessed a penalty under 39-71-2907 if a claim is determined to be compensable by the workers' compensation court."

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 33, chapter 15, part 11, and the provisions of Title 33, chapter 15, part 11, apply to [section 1].

**Section 4. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
HB 0503, originated in the House.

---

Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

HOUSE BILL NO. 503  
INTRODUCED BY T. BERRY

AN ACT PROVIDING THAT LOSS INFORMATION RELATED TO INSURANCE MUST BE PROVIDED TO THE POLICYHOLDER ON REQUEST; INCLUDING LOSS RESERVES AS PART OF LOSS INFORMATION FOR WORKERS' COMPENSATION CLAIMS; LIMITING THE USES OF LOSS INFORMATION BY POLICYHOLDERS AND PROHIBITING FURTHER DISCLOSURE OF LOSS INFORMATION; AMENDING SECTION 39-71-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.