HOUSE COMMITTEE AMENDMENTS
2020 Regular Session
Amendments proposed by House Committee on Insurance to Original House Bill No. 614
by Representative Seabaugh

1   AMENDMENT NO. 1

2   On page 1, line 3, change "2510" to "2511"

3   AMENDMENT NO. 2

4   On page 1, line 12, change "2510" to "2511"

5   AMENDMENT NO. 3

6   On page 1, line 8, after "violations;" and before "to" insert "to provide for defenses;"

7   AMENDMENT NO. 4

8   On page 1, delete lines 18 through 20 in their entirety and insert in lieu thereof the following:

9   "A. This Chapter establishes the exclusive standards for this state applicable
10   to licensees for data security, the investigation of a cybersecurity event, and
11   notification to the commissioner."

12   AMENDMENT NO. 5

13   On page 2, line 12, after "or" and before "information" insert "nonpublic"

14   AMENDMENT NO. 6

15   On page 2, line 28, after "electronic" and before "information" insert "nonpublic"

16   AMENDMENT NO. 7

17   On page 3, line 9, delete "licensee" and insert in lieu thereof "person"

18   AMENDMENT NO. 8

19   On page 3, line 16, after "means" and before "information" insert "electronic"

20   AMENDMENT NO. 9

21   On page 3, delete lines 18 through 20 in their entirety

22   AMENDMENT NO. 10

23   On page 3, at the beginning of line 21, change "(b)" to "(a)"

24   AMENDMENT NO. 11

25   On page 3, line 26, delete "Account" and insert in lieu thereof "Financial account"

26   AMENDMENT NO. 12

27   On page 4, at the beginning of line 1, change "(c)" to "(b)"

1   AMENDMENT NO. 13

2   On page 4, line 2, after "consumer" and before "and" insert a comma "," and "that can be
3   used to identify a particular consumer,"

4   AMENDMENT NO. 14

5   On page 6, line 23, after "the" and before "licensee's" insert "licensee, the nature and scope
6   of the"

7   AMENDMENT NO. 15

8   On page 7, line 7, after "Restrict" and before "access" insert "physical"

9   AMENDMENT NO. 16

10   On page 7, line 7, after "access" delete "at physical locations containing" and insert in lieu
11   thereof "to"

12   AMENDMENT NO. 17

13   On page 10, line 27, after "shall" and before "complete" insert "make reasonable efforts to"

14   AMENDMENT NO. 18

15   On page 10, line 28, after "or" and before "confirm" insert "make reasonable efforts to"

16   AMENDMENT NO. 19

17   On page 11, line 5, delete "as promptly as possible" and insert in lieu thereof "without
18   unreasonable delay"

19   AMENDMENT NO. 20

20   On page 11, line 6, delete "seventy-two hours" and insert in lieu thereof "three business
21   days"

22   AMENDMENT NO. 21

23   On page 11, at the end of line 6, insert "involving nonpublic information that is in the
24   possession of the licensee"

25   AMENDMENT NO. 22

26   On page 11, line 9, after "producer," and before "as" insert "an adjuster, or public adjuster"

27   AMENDMENT NO. 23

28   On page 11, at the end of line 10, delete "R.S. 22:1542." and insert in lieu thereof the
29   following:

30   "R.S. 22:1542, 1661, or 1692, and the cybersecurity event has reasonable likelihood
31   of materially harming either of the following:

32   (a) Any consumer residing in this state.

33   (b) Any material part of the normal operations of the licensee."

1	AMENDMENT NO. 24

2	On page 11, line 22, after "regarding" and before "the" insert "material changes to previously
3	provided information relative to"

4	AMENDMENT NO. 25

5	On page 11, line 24, after "licensee" and before "shall" insert "making the notification
6	required in Subsection A of this Section"

7	AMENDMENT NO. 26

8	On page 13, at the end of line 11, delete the period "." and insert a comma "," and "unless the
9	third-party service provider gives the notice required in Subsection A of this Section."

10	AMENDMENT NO. 27

11	On page 13, line 25, delete "seventy-two hours" and insert in lieu thereof "three business
12	days"

13	AMENDMENT NO. 28

14	On page 14, line 6, delete "seventy-two"

15	AMENDMENT NO. 29

16	On page 14, line 7, delete "hours" and insert in lieu thereof "three business days"

17	AMENDMENT NO. 30

18	On page 14, line 15, delete "and"

19	AMENDMENT NO. 31

20	On page 14, line 16, after "producer," and before "the" insert "and for which consumer
21	notice is required by the Database Security Breach Notification Law,"

22	AMENDMENT NO. 32

23	On page 14, line 17, after "consumers" delete the remainder of the line and insert in lieu
24	thereof "of the cybersecurity event no later than the time at which notice is provided to the
25	affected consumers."

26	AMENDMENT NO. 33

27	On page 14, at the beginning of line 18, delete "commissioner."

28	AMENDMENT NO. 34

29	On page 14, line 18, after "for" and before "those" insert "any producers who are not
30	authorized by law or contract to sell, solicit, or negotiate on behalf of the insurer, and in"

31	AMENDMENT NO. 35

32	On page 14, at the end of line 19, delete "any" and insert in lieu thereof "an"

33	AMENDMENT NO. 36

34	On page 15, at the end of line 13, insert the following:

1 "The commissioner shall not otherwise make the documents, materials, or other
2 information public."

3 AMENDMENT NO. 37

4 On page 16, between lines 21 and 22, insert the following:

5 "F. Documents, materials, or other information in the possession or control
6 of the National Association of Insurance Commissioners (NAIC) or a third-party
7 consultant or vendor pursuant to this Chapter shall be confidential by law and
8 privileged, shall not be subject to release pursuant to the Public Records Law, R.S.
9 44:1 et seq., shall not be subject to subpoena, and shall not be subject to discovery
10 or admissible in evidence in any private civil action."

11 AMENDMENT NO. 38

12 On page 16, line 25, change "ten" to "twenty-five"

13 AMENDMENT NO. 39

14 On page 16, at the end of line 25, delete "including independent contractors"

15 AMENDMENT NO. 40

16 On page 16, between lines 25 and 26, insert the following:

17 "(2) Less than five million dollars in gross annual revenue.

18 (3) Less than ten million dollars in year-end total assests."

19 AMENDMENT NO. 41

20 On page 16, at the beginning of line 26, change "(2)" to "(4)"

21 AMENDMENT NO. 42

22 On page 17, between lines 9 and 10, insert the following:

23 "(4) Being affiliated with a depository institution subject to the Interagency
24 Guidelines Establishing Information Security Standards pursuant to the Gramm-
25 Leach-Bliley Act, 15 U.S.C. 6801 and 6805, and doing all of the following:

26 (a) Establishing and maintaining an information security program pursuant
27 to any statutes, rules, regulations, procedures, or guidelines established pursuant to
28 the Gramm-Leach-Bliley Act.

29 (b) Complying with and submitting a written statement certifying
30 compliance with the information security program established and maintained
31 pursuant to Subparagraph (a) of this Paragraph.

32 (5) Being subject to another jurisdiction approved by the commissioner and
33 doing all of the following:

34 (a) Establishing and maintaining an information security program pursuant
35 to such statutes, rules, regulations, procedures, or guidelines established by another
36 jurisdiction.

(b) Complying with and submitting a written statement certifying its compliance with the information security program established and maintained pursuant to Subparagraph (a) of this Paragraph."

AMENDMENT NO. 43

On page 17, between lines 12 and 13, insert the following:

"C. A licensee that is subject to R.S. 51:3076 shall be exempt from the provisions of R.S. 22:2506 if the licensee does all of the following:

(1) Notifies affected consumers of cybersecurity events relating to the licensee's insurance business in a manner consistent with the requirements of the Gramm-Leach-Bliley Act.

(2) Notifies the commissioner of cybersecurity events relating to the licensee's insurance business in a manner consistent with and at the same time as the notice the licensee gives to federal regulatory authorities."

AMENDMENT NO. 44

On page 17, between lines 15 and 16, insert the following:

"2511. Defenses
A licensee that satisfies the provisions of this Chapter may assert an affirmative defense to any cause of action arising in tort that is brought under the laws of this state or in the courts of this state and that alleges that the failure to implement reasonable information security controls resulted in a data breach concerning nonpublic information."

AMENDMENT NO. 45

On page 18, after line 3, add the following:

"Section 3.(A) The provisions of R.S. 22:2504(F) as enacted by Section 1 of this Act shall become effective on August 1, 2022.

(B) The remaining provisions of R.S. 22:2504 as enacted by Section 1 of this Act shall become effective on August 1, 2021.

Section 4. Sections 1, 2, 3, and this Section shall become effective on August 1, 2020."