

# DEBTOR AND CREDITOR RELATIONSHIPS

## CHAPTER 115

### HOUSE BILL NO. 1084

(Industry, Business and Labor Committee)  
(At the request of the Department of Financial Institutions)

AN ACT to create and enact two new sections to chapter 13-05, two new sections to chapter 13-08, two new sections to chapter 13-09, and a new section to chapter 13-11 of the North Dakota Century Code, relating to a six-month extension of a collection agency license, a deferred presentment service provider license, and a money transmitter license during the 2014 calendar year, and the confidentiality of information submitted or received by the commissioner or commissioner's designee to a nationwide multistate licensing system; and to amend and reenact subsection 4 of section 6-01-07.1, sections 13-05-03, 13-05-05, 13-08-04, and 13-08-09, subsections 6 and 7 of section 13-08-12, and sections 13-09-07, 13-09-10, and 13-11-03 of the North Dakota Century Code, relating to the confidentiality of information shared with a nationwide multistate licensing system, collection agency license applications, the expiration and renewal of a collection agency license, deferred presentment service provider license applications, the expiration and renewal of a deferred presentment service provider license, deferred presentment service transaction procedures, money transmitter license applications, the expiration and renewal of a money transmitter license, and debt-settlement provider license applications.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 4 of section 6-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The commissioner may furnish information and enter into sharing agreements as to matters of mutual interest to an official or examiner of the federal reserve system, federal deposit insurance corporation, federal home loan bank board, national credit union administration, office of thrift supervision, comptroller of the currency, any other federal government agency, insurance commissioner, office of the securities commissioner, regulatory trade associations, or any state bank or credit union supervisors or supervisors of other licensed entities of other states, or a nationwide multistate licensing system.

**SECTION 2. AMENDMENT.** Section 13-05-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **13-05-03. Application for a collection agency license.**

Every

1. Each application for a collection agency license, or for a renewal thereof, must be made upon forms furnished by the department of financial institutions in the form prescribed by the commissioner and must contain the following information:
  - 1-a. The full name and proposed business name of the applicant.
  - 2-b. The address where the business is to be conducted.
  - 3-c. The names and addresses of the applicant and those associated with the applicant. If the applicant is a corporation, the application must contain the names of the officers of the corporation. If the applicant is a limited liability company, the application must contain the names of the managers of the limited liability company. The applicant must register with the North Dakota secretary of state if so required.
  - 4-d. Such additional information which the department of financial institutions shall require.
2. To fulfill the purposes of this chapter, the commissioner may establish relationships or contracts with a nationwide multistate licensing system and registry or other entities designated by a nationwide multistate licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to the chapter. The applicant shall pay directly to such nationwide multistate licensing system any additional fee relating to participation in such nationwide multistate licensing system.
3. In connection with an application for licensing as a collection agency, or any license renewals, the applicant shall furnish to the nationwide multistate licensing system information concerning the applicant's identity, which may include:
  - a. Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check;
  - b. Personal history and experience in a form prescribed by the nationwide multistate licensing system, including the submission of authorization for the nationwide multistate licensing system and the commissioner to obtain:
    - (1) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and
    - (2) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction; and
  - c. Any other documents, information, or evidence the commissioner deems relevant to the application regardless of the location, possession, control, or custody of such documents, information, or evidence.
4. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing

system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

5. For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

**SECTION 3. AMENDMENT.** Section 13-05-05 of the North Dakota Century Code is amended and reenacted as follows:

**13-05-05. Expiration and renewal of license.**

All licenses required herein expire on ~~June thirtieth~~December thirty-first of each year and may be renewed. Applications for renewal must be submitted thirty days before the expiration of the license and must be accompanied by the required annual fees, which are not subject to refund. The form and content of renewal applications must be determined by the department of financial institutions and a renewal application may be denied upon the same grounds as would justify denial of an initial application. When a licensee has been delinquent in renewing the licensee's license, the department may charge an additional fee of fifty dollars for the renewal of the license. A collection agency license is not transferable. If the commissioner determines that an ownership change has occurred in a sole proprietorship, partnership, limited liability partnership, corporation, or limited liability corporation that was previously granted a collection agency license, the commissioner may require a new application from the purchaser. The application must be filed within forty-five days from the date change of ownership is consummated. The department shall act on the application within sixty days from the date the application is received but may extend the review period for good cause. The collection agency license granted to the previous owner continues in effect to the new purchaser until the application is either granted or denied.

**SECTION 4.** A new section to chapter 13-05 of the North Dakota Century Code is created and enacted as follows:

**Automatic six-month extension of license during 2014 calendar year.**

All current licensees who have made payment of a fee in accordance with sections 13-05-04 and 13-05-05, for a collection agency license effective after July 1, 2013, shall be granted an extension of its current license until December 31, 2014. If at any time prior to December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the applicant shall be required to pay licensing fees in accordance with section 13-05-04, and that license will expire on December 31, 2014.

**SECTION 5.** A new section to chapter 13-05 of the North Dakota Century Code is created and enacted as follows:

**Confidentiality.**

To promote more effective regulation and reduce regulatory burden through supervisory information sharing, the commissioner or commissioner's designee may furnish information to or receive information from a nationwide multistate licensing system for the purpose of regulation of the financial services industry. Information furnished by the commissioner to any third party which is confidential or privileged in

the commissioner's possession remains confidential or privileged in the possession of the third party. Information received by the commissioner from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the commissioner's possession.

**SECTION 6. AMENDMENT.** Section 13-08-04 of the North Dakota Century Code is amended and reenacted as follows:

**13-08-04. Application for license.**

1. Each application for a license must be in the form prescribed by the commissioner and must include:
  - 1-a. The legal name of the applicant, residence of the applicant, business address of the applicant, and address at which deferred presentment service is provided if different from the business address and, if the applicant is a partnership, association, or corporation, the name and address of every member, officer, and director;
  - 2-b. The location at which the registered office of the applicant is located; and
  - 3-c. Other data and information the commissioner may require with respect to the applicant and the applicant's directors, officers, members, and shareholders.
2. To fulfill the purposes of this chapter, the commissioner may establish relationships or contracts with a nationwide multistate licensing system and registry or other entities designated by a nationwide multistate licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to the chapter. The applicant shall pay directly to such nationwide multistate licensing system any additional fee relating to participation in such nationwide multistate licensing system.
3. In connection with an application for licensing as a deferred presentment service provider, or any license renewals, the applicant shall furnish to the nationwide multistate licensing system information concerning the applicant's identity, which may include:
  - a. Fingerprints for submission to the federal bureau of investigation and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check;
  - b. Personal history and experience in a form prescribed by the nationwide multistate licensing system, including the submission of authorization for the nationwide multistate licensing system and the commissioner to obtain:
    - (1) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and
    - (2) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction; and

- c. Any other documents, information, or evidence the commissioner deems relevant to the application regardless of the location, possession, control, or custody of such documents, information, or evidence.
4. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.
5. For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

**SECTION 7. AMENDMENT.** Section 13-08-09 of the North Dakota Century Code is amended and reenacted as follows:

**13-08-09. Expiration of license - Renewal.**

Licenses issued under this chapter expire as of ~~June thirtieth~~December thirty-first of each year. A license may be renewed for the ensuing twelve-month period upon application and the payment to the commissioner of the annual license fee, which is not subject to refund, before ~~June~~December first of each year. The form and content of renewal applications must be determined by the department of financial institutions and a renewal application may be denied upon the same grounds as would justify denial of an initial application. When a licensee has been delinquent in renewing the licensee's license, the department may charge an additional fee of fifty dollars for the renewal of such license.

**SECTION 8. AMENDMENT.** Subsection 6 of section 13-08-12 of the North Dakota Century Code is amended and reenacted as follows:

6. Each deferred presentment service transaction, including a renewal, must be documented by a written agreement signed or similarly authenticated by the customer. The original agreement must contain the name of the licensee; the transaction date; the amount of the obligation; a statement of the total amount of fees charged, expressed as a dollar amount and as an annual percentage rate; the name and signature of the individual who signs the agreement on behalf of the licensee; the name and address of the check maker; the transaction number assigned by the database; the date of negotiation of the check; the signature of the check maker; a statement that a licensee may not renew a transaction more than once; a statement that the renewal fee may not exceed twenty percent of the amount being renewed; a statement that the maximum term of the transaction, including a statement that the renewal, may not exceed sixty ~~business~~calendar days; a statement that the term of the renewal period may not be less than fifteen ~~business~~calendar days; and a statement containing the right of rescission printed immediately above the signature line of the written agreement in a minimum of ten-point font and providing a space for the check maker to initial that the notice to the right of rescission was received. The original agreement may not include a hold harmless clause; a confession of judgment clause; any assignment of or order for payment of wages or other compensation for services; a provision in which the check maker agrees not to assert any claim or defense arising out of the

agreement; a waiver of any provision of this chapter; any representation from the check maker as to the sufficiency of funds regarding any past deferred presentment service transactions; or any statement regarding criminal prosecution with respect to the agreement. A renewal agreement must be contained in a separate section, as part of the original written agreement or in other form as approved by the commissioner. The renewal agreement must restate the original transaction date, the renewal transaction date, the amount of the check paid to the check maker, the fee charged in dollars, and the maturity date. The agreement must authorize the licensee to defer presentment or negotiation of the check, or electronic debit of the customer's account, until a specified date. The maker of a check may redeem the check from the licensee at any time before the negotiation or presentment of the check by making payment to the licensee. A customer agreeing to an electronic deferred presentment service transaction may repay the obligation at any time before the agreed-upon date. A customer may rescind any transaction by the close of the business day following the day on which the customer receives payment from the licensee at no cost. If a customer agreeing to an electronic deferred presentment service transaction rescinds the transaction, the licensee must facilitate the repayment of the funds through the same electronic means the licensee used to deliver the funds to the customer.

**SECTION 9. AMENDMENT.** Subsection 7 of section 13-08-12 of the North Dakota Century Code is amended and reenacted as follows:

7. If a check or electronic debit is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or a stop payment order, the licensee has the right to all civil remedies available to collect the obligation. The licensee may contract for and collect a returned check or electronic debit charge not to exceed ~~twenty dollars~~ the collection fees and costs authorized in subdivision c of subsection 2 of section 6-08-16. No other fee or charge may be collected as a result of a returned check or electronic debit or as a result of default by the customer in timely payment to the licensee.

**SECTION 10.** A new section to chapter 13-08 of the North Dakota Century Code is created and enacted as follows:

**Automatic six-month extension of license during 2014 calendar year.**

All current licensees who have made payment of a fee in accordance with section 13-08-05, for a deferred presentment service provider license effective after July 1, 2013, shall be granted an extension of their current license until December 31, 2014. If at any time prior to December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the applicant shall be required to pay licensing fees in accordance with section 13-08-05, and that license will expire on December 31, 2014.

**SECTION 11.** A new section to chapter 13-08 of the North Dakota Century Code is created and enacted as follows:

**Confidentiality.**

To promote more effective regulation and reduce regulatory burden through supervisory information sharing, the commissioner or commissioner's designee may furnish information to or receive information from a nationwide multistate licensing system for the purpose of regulation of the financial services industry. Information

furnished by the commissioner to any third party which is confidential or privileged in the commissioner's possession remains confidential or privileged in the possession of the third party. Information received by the commissioner from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the commissioner's possession.

**SECTION 12. AMENDMENT.** Section 13-09-07 of the North Dakota Century Code is amended and reenacted as follows:

**13-09-07. Application for license.**

1. Each application for a license under this chapter must be ~~made in writing, and in the~~ form prescribed by the commissioner. Each application must state or contain:

~~1-a.~~ For all applicants:

- ~~a-(1)~~ The exact name of the applicant, the applicant's principal address, any fictitious or trade name used by the applicant in the conduct of its business, and the location of the applicant's business records.
- ~~b-(2)~~ The history of the applicant's criminal convictions and material litigation for the five-year period before the date of the application.
- ~~c-(3)~~ A description of the activities conducted by the applicant and a history of operations.
- ~~d-(4)~~ A description of the business activities in which the applicant seeks to be engaged in the state.
- ~~e-(5)~~ A list identifying the applicant's proposed authorized delegates in the state, if any, at the time of the filing of the license application.
- ~~f-(6)~~ A sample authorized delegate contract, if applicable.
- ~~g-(7)~~ A sample form of payment instrument, if applicable.
- ~~h-(8)~~ The locations at which the applicant and its authorized delegates, if any, propose to conduct the licensed activities in the state.
- ~~i-(9)~~ The name and address of the clearing bank or banks on which the applicant's payment instruments will be drawn or through which the payment instruments will be payable.

2-b. If the applicant is a corporation, the applicant must also provide:

- ~~a-(1)~~ The date of the applicant's incorporation and state of incorporation.
- ~~b-(2)~~ A certificate of good standing from the state in which the applicant was incorporated.
- ~~c-(3)~~ A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange.

- ~~d~~-(4) The name, business and residence address, and employment history for the past five years of the applicant's executive officers and the officers or managers who will be in charge of the applicant's activities to be licensed hereunder.
  - ~~e~~-(5) The name, business and residence address, and employment history for the period five years prior to the date of the application of any key shareholder of the applicant.
  - ~~f~~-(6) The history of criminal convictions and material litigation for the five-year period before the date of the application of every executive officer or key shareholder of the applicant.
  - ~~g~~-(7) A copy of the applicant's most recent audited financial statement including balance sheet, statement of income or loss, statement of changes in shareholder equity, and statement of changes in financial position and, if available, the applicant's audited financial statements for the immediately preceding two-year period. However, if the applicant is a wholly owned subsidiary of another corporation, the applicant may submit either the parent corporation's consolidated audited financial statements for the current year and for the immediately preceding two-year period or the parent corporation's form 10K reports filed with the United States securities and exchange commission for the prior three years in lieu of the applicant's financial statements. If the applicant is a wholly owned subsidiary of a corporation having its principal place of business outside the United States, similar documentation filed with the parent corporation's non-United States regulator may be submitted to satisfy this provision.
  - ~~h~~-(8) Copies of all filings, if any, made by the applicant with the United States securities and exchange commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application.
- 3-c. If the applicant is not a corporation, the applicant must also provide:
- ~~a~~-(1) The name, business and residence address, personal financial statement, and employment history, for the past five years, of each principal of the applicant and the name, business and residence address, and employment history for the past five years of any other person or persons who will be in charge of the applicant's activities to be licensed under this chapter;
  - ~~b~~-(2) The place and date of the applicant's registration or qualification to do business in this state;
  - ~~e~~-(3) The history of criminal convictions and material litigation for the five-year period before the date of the application for each individual having any ownership interest in the applicant and each individual who exercises supervisory responsibility with respect to the applicant's activities; and
  - ~~d~~-(4) Copies of the applicant's audited financial statements including balance sheet, statement of income or loss, and statement of changes

in financial position for the current year and, if available, for the immediately preceding two-year period.

- 4-d. For good cause shown, the commissioner may waive any requirement of this section with respect to any license application or to permit a license applicant to submit substituted information in its license application in lieu of the information required by this section.
2. To fulfill the purposes of this chapter, the commissioner may establish relationships or contracts with a nationwide multistate licensing system and registry or other entities designated by a nationwide multistate licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to the chapter. The applicant shall pay directly to such nationwide multistate licensing system any additional fee relating to participation in such nationwide multistate licensing system.
  3. In connection with an application for licensing as a money transmitter, or any license renewals, the applicant shall furnish to the nationwide multistate licensing system information concerning the applicant's identity, which may include:
    - a. Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check, except that officers and directors of a publicly traded company and subsidiaries of the publicly traded company may not be required to submit fingerprints under this section;
    - b. Personal history and experience in a form prescribed by the nationwide multistate licensing system, including the submission of authorization for the nationwide multistate licensing system and the commissioner to obtain:
      - (1) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and
      - (2) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction; and
    - c. Any other documents, information, or evidence the commissioner deems relevant to the application regardless of the location, possession, control, or custody of such documents, information, or evidence.
  4. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.
  5. For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and

registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

**SECTION 13. AMENDMENT.** Section 13-09-10 of the North Dakota Century Code is amended and reenacted as follows:

**13-09-10. Renewal of license and annual report.**

1. A licensee under this chapter shall pay an annual renewal fee of four hundred fifty dollars which is not subject to refund.
2. The renewal fee must be accompanied by a report, in a form prescribed by the commissioner, which must include:
  - a. A copy of its most recent audited consolidated annual financial statement including balance sheet, statement of income or loss, statement of changes in shareholder's equity, and statement of changes in financial position, or, in the case of a licensee that is a wholly owned subsidiary of another corporation, the consolidated audited annual financial statement of the parent corporation may be filed in lieu of the licensee's audited annual financial statement;
  - b. For the most recent quarter for which data is available before the date of the filing of the renewal application, but in no event more than one hundred twenty days before the renewal date, the licensee must provide the number of payment instruments sold by the licensee in the state, the dollar amount of those instruments, and the dollar amount of those instruments currently outstanding;
  - c. Any material changes to any of the information submitted by the licensee on its original application which have not previously been reported to the commissioner on any other report required to be filed under this chapter;
  - d. A list of the licensee's permissible investments; and
  - e. A list of the locations, if any, within this state at which business regulated by this chapter is being conducted by either the licensee or its authorized delegates.
3. All licenses issued pursuant to this chapter expire on ~~June thirtieth~~December thirty-first of each year. Applications for renewal must be submitted thirty days before expiration of the license. A licensee that has not filed a renewal report or paid its renewal fee by ~~June thirtieth~~December thirty-first and has not been granted an extension of time to do so by the commissioner must have its license suspended. The licensee in such case has thirty days after its license is suspended in which to file a renewal report and pay the renewal fee, plus fifty dollars for each business day after suspension that the commissioner does not receive the renewal report and the renewal fee. For good cause, the commissioner may grant an extension of the renewal date or reduce or suspend the fifty dollars per day late filing fee.

**SECTION 14.** A new section to chapter 13-09 of the North Dakota Century Code is created and enacted as follows:

**Automatic six-month extension of license during 2014 calendar year.**

All current licensees who have made payment of a fee in accordance with sections 13-09-08 and 13-09-10, for a money transmitter license effective after July 1, 2013, shall be granted an extension of their current license until December 31, 2014. If at any time prior to December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the applicant shall be required to pay licensing fees in accordance with section 13-09-08, and that license will expire on December 31, 2014.

**SECTION 15.** A new section to chapter 13-09 of the North Dakota Century Code is created and enacted as follows:

**Confidentiality.**

To promote more effective regulation and reduce regulatory burden through supervisory information sharing, the commissioner or commissioner's designee may furnish information to or receive information from a nationwide multistate licensing system for the purpose of regulation of the financial services industry. Information furnished by the commissioner to any third party which is confidential or privileged in the commissioner's possession remains confidential or privileged in the possession of the third party. Information received by the commissioner from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the commissioner's possession.

**SECTION 16. AMENDMENT.** Section 13-11-03 of the North Dakota Century Code is amended and reenacted as follows:

**13-11-03. Application for license.**

1. Every application for a debt-settlement provider license, or for a renewal thereof, must be made upon forms designed and furnished in the form prescribed by the commissioner and must contain any information which the commissioner determines necessary and proper. The commissioner may require any application applicant to provide additional information that is not requested on the application form. The applicant must register with the secretary of state if so required.
2. To fulfill the purposes of this chapter, the commissioner may establish relationships or contracts with a nationwide multistate licensing system and registry or other entities designated by a nationwide multistate licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to the chapter. The applicant shall pay directly to such nationwide multistate licensing system any additional fee relating to participation in such nationwide multistate licensing system.
3. In connection with an application for licensing as a debt-settlement provider, or any license renewals, the applicant shall furnish to the nationwide multistate licensing system information concerning the applicant's identity, which may include:
  - a. Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check;

- b. Personal history and experience in a form prescribed by the nationwide multistate licensing system, including the submission of authorization for the nationwide multistate licensing system and the commissioner to obtain:
- (1) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and
  - (2) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction; and
- c. Any other documents, information, or evidence the commissioner deems relevant to the application regardless of the location, possession, control, or custody of such documents, information, or evidence.
4. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.
5. For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection 3, the commissioner may use the nationwide multistate licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

**SECTION 17.** A new section to chapter 13-11 of the North Dakota Century Code is created and enacted as follows:

**Confidentiality.**

To promote more effective regulation and reduce regulatory burden through supervisory information sharing, the commissioner or commissioner's designee may furnish information to or receive information from a nationwide multistate licensing system for the purpose of regulation of the financial services industry. Information furnished by the commissioner to any third party which is confidential or privileged in the commissioner's possession remains confidential or privileged in the possession of the third party. Information received by the commissioner from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the commissioner's possession.

Approved April 8, 2013  
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