

(5) IF THE COMMISSIONER RECEIVES COMMENTS FROM AN INSURANCE PRODUCER, THE COMMISSIONER SHALL:

(I) MAKE THE COMMENTS PART OF THE COMMISSIONER'S FILE ON THE SUBJECT; AND

(II) INCLUDE A COPY OF THE COMMENTS WITH EVERY COPY OF A REPORT ABOUT THE INSURANCE PRODUCER THAT IS DISTRIBUTED OR DISCLOSED FOR ANY REASON PERMITTED BY SUBSECTION (G) OF THIS SECTION.

(F) (1) THIS SUBSECTION APPLIES TO:

(I) AN INSURER;

(II) AN AUTHORIZED REPRESENTATIVE OF AN INSURER;

(III) AN INSURANCE PRODUCER;

(IV) THE COMMISSIONER; AND

(V) AN ORGANIZATION OF WHICH THE COMMISSIONER IS A MEMBER THAT COMPILES INFORMATION REQUIRED UNDER THIS SECTION AND MAKES IT AVAILABLE TO OTHER INSURANCE COMMISSIONERS OR REGULATORY OR LAW ENFORCEMENT AGENCIES.

(2) IN THE ABSENCE OF ACTUAL MALICE, A PERSON TO WHOM THIS SUBSECTION APPLIES AND THE AGENTS AND EMPLOYEES OF THE PERSON ARE NOT SUBJECT TO CIVIL LIABILITY OF ANY NATURE AS A RESULT OF:

(I) ANY STATEMENT OR INFORMATION REQUIRED BY OR PROVIDED UNDER THIS SECTION; OR

(II) ANY INFORMATION RELATING TO ANY STATEMENT THAT MAY BE REQUESTED IN WRITING BY THE COMMISSIONER FROM AN INSURER OR INSURANCE PRODUCER.

(3) IF A PARTY BRINGS AN ACTION AGAINST A PERSON THAT MAY HAVE IMMUNITY UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR MAKING A STATEMENT REQUIRED BY OR UNDER THIS SECTION OR PROVIDING ANY INFORMATION RELATING TO ANY STATEMENT THAT MAY BE REQUESTED BY THE COMMISSIONER, THE PARTY BRINGING THE ACTION SHALL PLEAD SPECIFICALLY IN ANY ALLEGATION THAT PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY BECAUSE THE PERSON MAKING THE STATEMENT OR PROVIDING THE INFORMATION DID SO WITH ACTUAL MALICE.

(4) THIS SUBSECTION DOES NOT ABROGATE OR MODIFY ANY EXISTING STATUTORY OR COMMON LAW PRIVILEGES OR IMMUNITIES.

(G) (1) THIS SUBSECTION APPLIES ONLY TO ANY DOCUMENT, MATERIAL, OR OTHER INFORMATION IN THE CONTROL OR POSSESSION OF THE INSURANCE ADMINISTRATION THAT IS: