

**60-3354. Same; assertion of privilege; burden of proof.** (a) Any insurance company asserting the insurance compliance self-evaluative privilege set forth in K.S.A. 60-3351, and amendments thereto, has the burden of demonstrating the applicability of the privilege. Once any insurance company has established the applicability of the privilege, the party seeking disclosure under paragraph (1) of subsection (b) of K.S.A. 60-3352, and amendments thereto, has the burden of proving that the privilege is asserted for a fraudulent purpose. The commissioner, attorney general, or a county or district attorney seeking disclosure under subsection (c) of K.S.A. 60-3352, and amendments thereto, has the burden of proving the elements set forth in subsection (c) of K.S.A. 60-3352 and amendments thereto.

(b) The parties may at any time stipulate in proceedings under K.S.A. 60-3352 or 60-3353, and amendments thereto, to entry of an order directing that specific information contained in an insurance compliance self-evaluative audit document is or is not subject to the privilege provided under K.S.A. 60-3351 and amendments thereto. Any such stipulation may be limited to the instant proceeding and, absent specific language to the contrary, shall not be applicable to any other proceeding.

**History:** L. 2005, ch. 148, § 4; July 1.