

523A.803 Investigations and subpoenas.

1. The commissioner may, for the purpose of discovering violations of [this chapter](#), implementing rules, or orders issued under [this chapter](#):

a. Make such public or private investigations within or outside of this state as the commissioner deems necessary to determine whether any person has violated or is about to violate [this chapter](#), implementing rules, or orders issued under [this chapter](#), or to aid in enforcement of [this chapter](#) or in the prescribing of rules and forms under [this chapter](#).

b. Require or permit any person to file a statement in writing, under oath or otherwise as the commissioner or attorney general determines, as to all the facts and circumstances concerning the matter to be investigated.

c. Investigate the seller and examine the books, accounts, papers, correspondence, memoranda, purchase agreements, files, or other documents or records used by every applicant and licensee under [this chapter](#).

d. Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, accounts, papers, correspondence, memoranda, purchase agreements, files, or other documents or records which the commissioner deems relevant or material to any investigation or proceeding under [this chapter](#) and implementing rules, all of which may be enforced under [chapter 17A](#).

e. Apply to the district court for an order requiring a person's appearance before the commissioner or attorney general, or a designee of either or both, in cases where the person has refused to obey a subpoena issued by the commissioner or attorney general. The person may also be required to produce documentary evidence germane to the subject of the investigation. Failure to obey a court order under [this subsection](#) constitutes contempt of court.

2. All records maintained by the commissioner under [this section](#), including work papers, notes, recorded information, documents, and copies thereof that are produced or obtained by or disclosed to the commissioner or another person in the course of an investigation, shall be confidential pursuant to [section 22.7, subsection 58](#), and shall not be made available for inspection and copying except upon the approval of the commissioner or the attorney general. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

b. An administrative proceeding brought by the insurance division.

c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.

d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

3. The commissioner may issue and bring an action in district court to enforce subpoenas within this state at the request of an agency or administrator of another state, if the activity constituting an alleged violation for which the information is sought would be a violation of [this chapter](#) had the activity occurred in this state.

[2001 Acts, ch 118, §43; 2007 Acts, ch 175, §71; 2015 Acts, ch 128, §42, 43, 50, 51](#)

Referred to in [§22.7](#)

2015 amendments take effect July 2, 2015, and apply retroactively to July 1, 2015; 2015 Acts, ch 128, §50, 51

Subsection 1, paragraph c stricken and paragraphs d - f redesignated as c - e

NEW subsection 2 and former subsection 2 renumbered as 3