

523A.207 Report by certified public accountants — penalties — waiver — confidentiality.

1. A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until a certified public accountant has completed an agreed-upon procedures engagement in accordance with the attestation standards established by the American institute of certified public accountants and a report is filed with the commissioner that expresses the factual findings and results of applying the agreed-upon procedures that verifies the adequacy or inadequacy of funding related to the purchase agreements to be sold or transferred.

2. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file a report described in [subsection 1](#), the commissioner may suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the report is filed. In addition, the commissioner may assess a penalty against the buyer in an amount up to one hundred dollars for each day that the report remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file the report. Upon good cause, the commissioner may issue an order waiving the report requirements.

3. All records maintained by the commissioner under [this section](#) shall be confidential pursuant to [section 22.7](#), [subsection 58](#), and shall not be made available for inspection or copying except upon approval of the commissioner or the attorney general, or except when sought by the preneed seller to whom the records relate. 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.

[2007 Acts, ch 175, §13](#); [2010 Acts, ch 1067, §2](#); [2015 Acts, ch 128, §32, 50, 51](#); [2016 Acts, ch 1073, §158](#); [2018 Acts, ch 1074, §7](#)

Referred to in [§22.7\(58\)](#), [523A.807](#)