

§ 58-47-75. Reporting and records.

- (a) As used in this section:
 - (1) "Audited financial report" has the same meaning as in the NAIC Model Rule Requiring Annual Audited Financial Reports, as specified in G.S. 58-2-205.
 - (2) "Duplicate record" means a counterpart produced by the same impression as the original record, or from the same matrix, or by mechanical or electronic rerecording or by chemical reproduction, or by equivalent techniques, such as imaging or image processing, that accurately reproduce the original record.
 - (3) "Original record" means the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it, in the normal and ordinary course of business, or data stored in a computer or similar device, the printout or other output readable by sight, shown to reflect the data accurately. An "original" of a photograph includes the negative or any print from the negative.
- (b) Each group shall file with the Commissioner the following:
 - (1) A statement in accordance with G.S. 58-2-165.
 - (2) An audited financial report.
 - (3) Annual payroll information within 90 days after the close of its fiscal year. The report shall summarize the payroll by annual amount paid and by classifications using the rules, classifications, and rates set forth in the most recently approved Workers' Compensation and Employers' Liability Insurance Manual governing audits of payrolls and adjustments of premiums. Each group shall maintain true and accurate payroll records. The payroll records shall be maintained to allow for verification of the completeness and accuracy of the annual payroll report.
- (c) Each group shall make its financial statement and audited financial report available to its members upon request.
- (d) All records shall be maintained by the group for the years during which an examination under G.S. 58-2-131 has not yet been completed.
- (e) All records that are required to be maintained by this section shall be either original or duplicate records.
- (f) If only duplicate records are maintained, the following requirements apply:
 - (1) The data shall be accessible to the Commissioner in legible form, and legible, reproduced copies shall be available.
 - (2) Before the destruction of any original records, the group in possession of the original records shall:
 - a. Verify that the records stored consist of all information contained in the original records, and that the original records can be reconstructed therefrom in a form acceptable to the Commissioner; and
 - b. Implement disaster preparedness or disaster recovery procedures that include provisions for the maintenance of duplicate records at an off-site location.
 - (3) Adequate controls shall be established with respect to the transfer and maintenance of data.
- (g) Each group shall maintain its records under G.S. 58-7-50, G.S. 58-7-55, and the Act.

(h) All books of original entry and corporate records shall be retained by the group or its successor for a period of 15 years after the group ceases to exist. (1997-362, s. 3.)