



Senate

General Assembly

File No. 522

February Session, 2018

Substitute Senate Bill No. 469

Senate, April 16, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INFORMATION TO BE FURNISHED BY AN INSURANCE COMPANY RELATIVE TO FIRE OR EXPLOSION LOSS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-318 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) Any authorized agency may, in writing, request any insurance
4 company to release information relative to any investigation [it] the
5 insurance company has made concerning a loss or potential loss due to
6 fire [of suspicious] or explosion of undetermined or incendiary origin,
7 which shall include, but not be limited to: (1) An insurance policy
8 relative to such loss, (2) policy premium records, (3) history of
9 previous claims, and (4) other relevant material relating to such loss or
10 potential loss.

11 (b) If any insurance company has reason to suspect that a fire or
12 explosion loss to its insured's real or personal property was caused by

13 undetermined or incendiary means, the company shall furnish any
14 authorized agency with all relevant material acquired during its
15 investigation of the fire or explosion loss, cooperate with and take such
16 action as may be requested of [it] the insurance company by the
17 authorized agency and permit any person ordered by a court to inspect
18 any of its records pertaining to the policy and the fire or explosion loss.
19 [Such] The insurance company may request any authorized agency to
20 release information relative to any investigation [it] the company has
21 made concerning any such fire or explosion loss of [suspicious]
22 undetermined or incendiary origin.

23 (c) No insurance company, authorized agency or person who
24 furnished information on behalf of such insurance company or agency,
25 shall be liable for damages in a civil action or subject to criminal
26 prosecution for any oral or written statement made or any other action
27 taken that is necessary to supply information requested pursuant to
28 this section, unless there is fraud, actual malice or conduct relating to
29 the release of such information which constitutes a criminal act.

30 (d) Except as provided in subsection (h) of this section, any
31 authorized agency receiving any information furnished pursuant to
32 this section shall hold the information in confidence until such time as
33 its release is required pursuant to a criminal or civil proceeding.

34 (e) Any authorized agency personnel may be required to testify as
35 to any information in the agency's possession regarding the fire or
36 explosion loss of real or personal property in any civil action in which
37 any person seeks recovery under a policy against an insurance
38 company for the fire or explosion loss.

39 (f) For the purposes of this section, "authorized agency" means: (1)
40 The State Fire Marshal or the local fire marshal when authorized or
41 charged with the investigation of fires or explosions at the place where
42 the fire or explosion actually took place; (2) a federal, state or local
43 peace officer when authorized or charged with the investigation of
44 fires or explosions at the place where the fire or explosion actually took
45 place; and [(2)] (3) the Insurance Commissioner.

46 (g) For the purposes of this section, "insurance company" [shall
47 include] includes organizations issuing insurance policies in this state
48 pursuant to the provisions of section 38a-328.

49 (h) Any authorized agency provided with information pursuant to
50 subsection (a) or (b) of this section, may, in furtherance of its own
51 purposes, release any information in its possession to any other
52 authorized agency.

53 (i) The provisions of this section shall apply to fire losses occurring
54 on or after October 1, 1979.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	38a-318

Statement of Legislative Commissioners:

Throughout the bill, additional references to "explosions" were added for consistency.

JUD Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill is not anticipated to result in a fiscal impact as it does not expand requirements for any state or municipal entities. The bill specifies that additional government agents may request and obtain insurance company records to aid an investigation and expands the scenarios under which such requests may be made.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 469*****AN ACT CONCERNING INFORMATION TO BE FURNISHED BY AN INSURANCE COMPANY RELATIVE TO FIRE OR EXPLOSION LOSS.*****SUMMARY**

This bill allows certain authorized agencies the right to request, in writing, any insurance company to release information related to any investigation it has made regarding a loss or potential loss due to fire or explosion of undetermined or incendiary origin. Current law allows authorized agencies to make such requests only if the loss or potential loss is due to fire of suspicious or incendiary origin. Under the bill, the fire loss no longer needs to be of suspicious origin.

The bill also allows federal, state, and local peace officers under certain circumstances to make such requests by adding them to the definition of "authorized agency." Under current law, "authorized agency" includes state fire marshals, local fire marshals, and the insurance commissioner.

Under the bill, a federal, state, or local peace officer may request the release of the information only when the officer is authorized or charged with the investigation of fires or explosions at the place where the fire or explosion actually took place.

The bill also requires an insurance company that suspects that a fire or explosion loss was caused by undetermined or incendiary means to share relevant material acquired during its investigation with authorized agencies. Current law requires the company to do so only for fire loss it suspects was caused by incendiary means.

Under the bill, an insurance company may ask an authorized agency to release information relative to the company's investigation

of fire or explosion loss of undetermined or incendiary origin. Under current law, this is limited to information related to fire loss of incendiary origin only.

Under the bill, any authorized agency personnel may be required to testify in certain civil cases on information the agency has on the fire or explosion loss. This is already the case for state fire marshals, local fire marshals, and the insurance commissioner in civil cases that pertain to fire loss only.

EFFECTIVE DATE: October 1, 2018

RELEASE OF INSURANCE COMPANY INFORMATION

By law, the information that authorized agencies may request insurance companies to release, includes:

1. an insurance policy relative to such loss,
2. policy premium records,
3. history of previous claims, and
4. other relevant material relating to such loss or potential loss.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 39 Nay 0 (03/28/2018)