OLR Bill Analysis
sHB 7145

AN ACT ALLOWING POLICE OFFICERS TO OBTAIN INFORMATION TO BE FURNISHED RELATIVE TO FIRE OR EXPLOSION LOSSES.

SUMMARY

This bill modifies various provisions concerning access to and the production of insurance company records relating to the company’s investigation of certain property losses.

Current law generally allows an “authorized agency,” specifically, the Insurance Department commissioner and certain state and local fire marshals, to request the release of, and be furnished with, information from an insurance company’s investigation into losses caused by fires of “suspicious” or incendiary origin. The bill amends the loss circumstances by (1) adding explosions and (2) replacing the term “suspicious” with “undetermined” (see BACKGROUND).

The bill expands the definition of “authorized agency” and in doing so authorizes federal, state, and local law enforcement officers to request such information. Under the bill, these officers must be authorized or charged with the investigation of fires or explosions at the place where the fire or explosion actually took place, just as state and local fire marshals are required under current law.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2019

INSURANCE COMPANY PROPERTY LOSS RECORDS

Requests by Authorized Agencies

The bill allows authorized agencies to request, in writing, any insurance company to release information related to the company’s investigation of 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.

By law, authorized agencies may request insurance companies to release specified information, such as (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.

**Requirements on Insurance Companies**

The bill 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, respond to requests from these agencies, and permit any court-ordered inspection of its records concerning the policy relative to such loss. Current law requires the company to take these actions only for a fire loss it suspects was caused by incendiary means.

**Requests by Insurance Companies**

Under the bill, an insurance company may ask an authorized agency to release information relative to its investigation of fire or explosion loss of undetermined or incendiary origin. Under current law, this is limited to information related to a fire loss of suspicious or incendiary origin.

**TESTIMONY BY AUTHORIZED AGENCIES**

Under the bill, any authorized agency personnel may be required to testify in certain civil cases on information the agency has on a fire or explosion loss. This is already the case under current law for civil cases that pertain to a fire loss.

**BACKGROUND**

**Classification of Fire Causes**

By law, the crime of arson can involve either a fire or an explosion (e.g., first degree arson (CGS § 53a-111)). The National Fire Protection Association’s Guide for Fire and Explosion Investigations classifies fire
causes as (1) accidental, (2) natural, (3) incendiary, or (4) undetermined; it does not use the term suspicious (NFPA 921, Section 20.1).

COMMITTEE ACTION
Public Safety and Security Committee

Joint Favorable
Yea  19  Nay  5  (03/19/2019)