



House Bill No. 5175

Public Act No. 22-75

**AN ACT CONCERNING POLICE ACCESS TO INFORMATION
RELATIVE TO FIRE OR EXPLOSION LOSSES AND
REQUIREMENTS REGARDING SMOKE DETECTORS IN THE FIRE
SAFETY CODE AND AFFIDAVITS ON TRANSFER OF RESIDENTIAL
PROPERTY.**

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

Section 1. Section 38a-318 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Any authorized agency may in writing request any insurance company to release information relative to any investigation [it] the insurance company has made concerning a loss or potential loss due to fire or explosion of [suspicious] undetermined or incendiary origin which shall include but not be limited to: (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.

(b) If any insurance company has reason to suspect that a fire or explosion loss to its insured's real or personal property was caused by undetermined or incendiary means, the insurance company shall furnish any authorized agency with all relevant material acquired during its investigation of the fire or explosion loss, cooperate with and

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take such action as may be requested of [it] the insurance company by the authorized agency and permit any person ordered by a court to inspect any of its records pertaining to the policy and the fire or explosion loss. [Such] The insurance company may request any authorized agency to release information relative to any investigation it has made concerning any such fire or explosion loss of [suspicious] undetermined or incendiary origin.

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

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

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

(f) For the purposes of this section, (1) "authorized agency" means: [(1)] (A) The State Fire Marshal or the local fire marshal when authorized or charged with the investigation of fires or explosions at the place where the fire or explosion actually took place, [; and (2)] (B) the Insurance Commissioner, or (C) a federal, state or local law enforcement officer when authorized or charged with the investigation of fires or explosions at the place where the fire or explosion actually took place;

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and (2) "insurance company" includes organizations issuing insurance policies in this state pursuant to the provisions of section 38a-328.

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

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

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

Sec. 2. Subdivision (1) of subsection (a) of section 29-292 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) (1) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same in accordance with the provisions of section 29-292a. The code shall be based on nationally recognized model fire and life safety codes and shall be revised as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the model fire and life safety codes not later than eighteen months following the date of first publication of such revisions, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. The code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings, structures and areas adjacent to such buildings and structures, except in private dwellings occupied by one or two families and upon all premises. The code shall require [(1)] (A) carbon monoxide detection and warning equipment in [(A)] (i) new

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residential buildings not exempt under the code and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, and [(B)] (ii) all public or nonpublic school buildings, and [(2)] (B) smoke detection and warning equipment in [(A)] residential buildings designed to be occupied by one or more families. [when a smoke detection and warning system is installed or replaced, and (B) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after July 1, 2021, requiring in buildings described in subparagraphs (A) and (B) of this subdivision, equipment capable of operation using any power source permitted in the standards adopted in the code.]

Sec. 3. Section 29-453 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Prior to transferring title to any real property containing a residential building designed to be occupied by one or two families, [for which a building permit for new occupancy was issued prior to October 1, 2005,] the transferor of such real property shall present to the transferee an affidavit certifying (1) [that such building permit for new occupancy was issued on or after October 1, 1985, or] that such residential building is equipped with smoke detection and warning equipment complying with this section, the Fire Safety Code, the State Fire Prevention Code and the State Building Code, and (2) that such residential building is equipped with carbon monoxide detection and warning equipment complying with this section or does not pose a risk of carbon monoxide poisoning because such residential building does not contain a fuel-burning appliance, fireplace or attached garage. Nothing in the affidavit shall constitute a warranty beyond the transfer of title.

(b) Any transferor who fails to comply with the provisions of subsection (a) of this section shall credit the transferee with the sum of

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two hundred fifty dollars at closing.

(c) Any smoke detection and warning equipment required pursuant to subsection (a) of this section shall be:

(1) [be capable] Capable of sensing visible or invisible smoke particles; [,]

(2) [be installed] Installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom; [, and]

(3) [be capable] Capable of providing an alarm suitable to warn occupants when such equipment is activated; [. Such equipment may be operated using batteries.]

(4) Powered by the household electrical service, except such equipment may be battery powered in a residential building for which a building permit for new occupancy was issued prior to October 1, 1976;

(5) In a residential building for which a building permit for new occupancy was issued on or after October 16, 1989, interconnected in such a manner that the activation of the alarm on any smoke detection and warning equipment in the residential building causes the alarm on all smoke detection and warning equipment in such building to activate; and

(6) In a residential building for which a building permit for new occupancy was issued on or after May 1, 1999, located in all sleeping areas.

(d) Any carbon monoxide detection and warning equipment required pursuant to subsection (a) of this section shall be (1) [be] capable of sensing carbon monoxide present in parts per million, (2) [be] installed in accordance with the manufacturer's instructions, and (3) [be]

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capable of providing an alarm suitable to warn occupants when such equipment is activated. Such equipment may be operated using batteries.

(e) The following shall be exempt from the requirements of subsections (a) and (b) of this section: (1) Any transfer from one or more coowners solely to one or more of the other coowners; (2) transfers made to the spouse, mother, father, brother, sister, child, grandparent or grandchild of the transferor where no consideration is paid; (3) transfers pursuant to an order of the court; (4) transfers by the federal government or any political subdivision thereof; (5) transfers by deed in lieu of foreclosure; (6) any transfer of title incident to the refinancing of an existing debt secured by a mortgage; (7) transfers by mortgage deed or other instrument to secure a debt where the transferor's title to the real property being transferred is subject to a preexisting debt secured by a mortgage; and (8) transfers made by executors, administrators, trustees or conservators.

Approved May 24, 2022