
OLR Bill Analysis

HB 5175

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

SUMMARY

This bill modifies various provisions about 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" to include federal, state, and local law enforcement officers, allowing them to request the insurance company's information. Under the bill, to be considered an authorized agency 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 must be as required under current law.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2022

INSURANCE COMPANY PROPERTY LOSS RECORDS

Requests by Authorized Agency

The bill allows an authorized agency to request, in writing, an 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 an authorized agency to make this request only if the loss or potential loss is due to fire of suspicious or incendiary origin.

By law, an authorized agency may request an insurance company to release specified information, such as (1) an insurance policy relative to the loss, (2) policy premium records, (3) history of previous claims, and (4) other relevant material relating to the 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 the 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 an explosion loss, in addition to civil cases pertaining to a fire loss as current law requires.

BACKGROUND

Fire and Explosion Distinction

By law, the crime of arson can involve either a fire or an explosion (e.g., first degree arson (CGS § 53a-111)).

Classification of Fire Causes

The Connecticut State Fire Prevention and Fire Safety Codes are generally based on codes published by the National Fire Protection Association (NFPA). NFPA's *Standard Classifications for Fire and Emergency Services Incident Reporting* classifies ignition causes as (1) intentional, (2) unintentional, (3) failure of equipment or heat source, (4) act of nature, (5) cause under investigation, and (6) cause undetermined after investigation (NFPA 901 § 17.5.1.2 (2021 ed.)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (03/03/2022)