
OLR Bill Analysis

HB 5175 (as amended by House "A")*

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 investigating fires or explosions where the fire or explosion actually took place, just as state and local fire marshals must be as required under current law (§ 1).

Additionally, the bill changes the requirements for affidavits that a transferor of a one- or two-family residence must give a transferee addressing the residence's smoke detection and warning equipment ("smoke detectors"), among other things. It also expands the properties for which this affidavit must be provided to include any one- or two-family residence, instead of just those for which a new occupancy building permit was issued before October 1, 2005 (§ 3).

Lastly, the bill specifies that the Fire Safety Code must require smoke

detectors in single and multi-family residences (§ 2). It also makes several conforming and technical changes.

*House Amendment "A" adds the changes to transferors' affidavits and the Fire Safety Code.

EFFECTIVE DATE: October 1, 2022

§ 1 — 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 related to its investigation of fire or explosion loss of undetermined or incendiary origin. Current law limits this 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.

§ 2 — SMOKE DETECTORS AND THE FIRE SAFETY CODE

Under current law, the Fire Safety Code must require smoke detectors in:

1. existing single and multi-family residences, regardless of when they were built, when a smoke detector is installed or replaced and
2. new single- and multi-family residences built on or after July 1, 2021.

The bill eliminates this distinction and other related conditions. It instead specifies that the code must require smoke detectors in single and multi-family residences.

The bill also eliminates a provision that the code must require that smoke detectors in these residences be capable of operating using any power source allowed in the standards adopted in the code.

§ 3 — SMOKE AND CARBON MONOXIDE DETECTOR AFFIDAVIT

Generally, under current law, before transferring title to a one- or two-family residence that received a new occupancy building permit before October 1, 2005, the transferor (e.g., seller) must either give the transferee (e.g., buyer) an affidavit certifying certain conditions or credit the transferee with \$250 at the closing. Currently, the affidavit must certify that the:

1. (a) building permit was issued on or after October 1, 1985, or (b) residence is equipped with smoke detectors that comply with specified requirements in the affidavit law (see below), and
2. residence is either (a) equipped with carbon monoxide detection

and warning equipment that complies with the affidavit law's requirements or (b) does not pose a risk of carbon monoxide poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

The bill eliminates the limitation that this affidavit only be provided for residences that received a new occupancy building permit before October 1, 2005. It further requires that the transferor's affidavit certify that the residence's smoke detectors comply with the Fire Safety Code, State Fire Prevention Code, and State Building Code. It correspondingly eliminates the current law's option to certify that the permit was issued on or after October 1, 1985, instead of certifying it complies with the affidavit law's requirements for smoke detectors.

Affidavit Law's Smoke Detector Requirements

As under existing law, the residence's smoke detectors must be:

1. able to sense visible or invisible smoke particles,
2. installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom, and
3. capable of providing an alarm suitable to warn occupants when activated.

The bill additionally requires:

1. for residences issued a new occupancy building permit on or after October 16, 1989, that their smoke detectors be interconnected so that the activation of one smoke detector alarm in the residence causes all the alarms for all its smoke detectors to activate, and
2. for residences issued a new occupancy building permit on or after May 1, 1999, that smoke detectors be in all sleeping areas.

Under current law, the smoke detectors may be battery-operated. The bill limits this allowance to residences issued a new occupancy building permit before October 1, 1976, and otherwise requires that all other

residences have their smoke detectors powered by the household electrical service.

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)