



General Assembly

January Session, 2019

Raised Bill No. 7145

LCO No. 4077



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

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

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 Section 38a-318 of the general statutes is repealed and the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, 2019*):

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 or explosion of [suspicious] 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 insurance company shall
14 furnish any authorized agency with all relevant material acquired

15 during its investigation of the fire or explosion loss, cooperate with
16 and take such action as may be requested of [it] the insurance
17 company by the authorized agency and permit any person ordered by
18 a court to inspect any of its records pertaining to the policy and the fire
19 or explosion loss. [Such] The insurance company may request any
20 authorized agency to release information relative to any investigation
21 it has 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, [; and] (2) the Insurance
43 Commissioner, or (3) a federal, state or local law enforcement officer
44 when authorized or charged with the investigation of fires or
45 explosions at the place where the fire or explosion actually took place.

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	<i>October 1, 2019</i>	38a-318

Statement of Purpose:

To allow federal, state and local law enforcement officers to obtain insurance records from insurance companies to aid in the investigation of fires or explosions of an undetermined or incendiary origin.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]