

CHAPTER 232
SB 110 - FINAL VERSION

03/07/2019 0618s
5Jun2019... 2111h

2019 SESSION

19-0938
05/08

SENATE BILL ***110***

AN ACT relative to the investigations by the state fire marshal.

SPONSORS: Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Rep. Goley, Hills. 8; Rep. Doucette, Rock. 8; Rep. Baldasaro, Rock. 5; Rep. S. Beaudoin, Straf. 9

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill authorizes the fire marshal to obtain information from the insurance company when investigating a fire loss, building collapse, or incident involving the release of carbon monoxide other than from a motor vehicle.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the investigations by the state fire marshal.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 232:1 State Board of Fire Control; Fires of Suspicious Origin; Building Collapse and Release of
2 Carbon Monoxide Added. Amend RSA 153:13-a to read as follows:

3 153:13-a Fires of Suspicious Origin.

4 I. An authorized investigator from the state fire marshal's office, or from any fire
5 department or law enforcement agency may request an insurance company investigating a fire loss
6 of real or personal property, ***building collapse, or an incident involving the release of carbon***
7 ***monoxide other than from a motor vehicle*** to release any information in its possession relative to
8 that loss. The company shall release the information and cooperate with any official authorized to
9 request such information pursuant to this section. ***No waiver of an insurance company's***
10 ***applicable privilege or claim of confidentiality in the documents, materials, or information***
11 ***shall occur as a result of such release of information.*** The information may include, but shall
12 not be limited to:

13 (a) Any insurance policy relevant to a fire loss, ***building collapse, or release of***
14 ***carbon monoxide*** under investigation and any application for such policy;

15 (b) Policy premium payment records;

16 (c) History of previous claims made by the insured [~~for fire loss~~]; and

17 (d) Material relating to the investigation of the loss, including statements of any person,
18 proof of loss, and any other relevant evidence.

19 II. If an insurance company has reason to suspect that a fire loss in the amount of \$1,000 or
20 more to its insured's real or personal property was caused by other than accidental means, the
21 company shall notify the office of the state fire marshal and furnish ~~him~~ ***the fire marshal***, either
22 through a recognized bureau or organization of companies or through the secretary or other officer of
23 the insurance company, with all relevant material acquired during its investigation of the fire loss,
24 cooperate with and take such reasonable action as may be requested of it by any law enforcement
25 agency, and permit any person so ordered by a court to inspect any of its records pertaining to the
26 policy and the loss.

27 III. The state fire marshal or any fire chief whose department is investigating any fire loss
28 of real or personal property, ***building collapse, or incident involving the release of carbon***
29 ***monoxide other than from a motor vehicle*** shall notify any insurance company believed to have

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1 an interest as insurer of such property. Notification shall include a statement of the nature of such
2 investigation.

3 IV. In the absence of fraud or malice, no public official or insurance company or person who
4 furnishes information on its behalf, is liable for damages in a civil action or subject to criminal
5 prosecution for any oral or written statement made or any other action taken that is necessary to
6 supply information required pursuant to this section.

7 V. The recipient of any information furnished pursuant to this section shall hold the
8 information in confidence and not release it, except to another official referred to in paragraph I,
9 until such time as its release is required pursuant to a criminal or civil proceeding.

10 VI. Any official referred to in paragraph I of this section may be required to testify as to or to
11 release any information in his ***or her*** possession regarding the fire loss, ~~[of real or personal property]~~
12 ***building collapse, or release of carbon monoxide*** in any civil action in which any person seeks
13 recovery under a policy against an insurance company for the fire loss, ***building collapse, or***
14 ***release of carbon monoxide.***

15 VII.(a) No person shall purposely refuse to release any information requested pursuant to
16 paragraph I of this section.

17 (b) No person shall purposely refuse to make the necessary notification of a fire loss
18 pursuant to paragraph II of this section.

19 (c) No person shall purposely refuse to supply to the proper authorities pertinent
20 information requested to be furnished pursuant to paragraph II of this section.

21 (d) No person shall purposely fail to hold in confidence information required to be held in
22 confidence by paragraph V of this section.

23 VIII. Whoever violates paragraph VII(a), (b), (c), or (d) of this section is guilty of a
24 misdemeanor. It shall not be considered a violation of this section if an insurance company acts in
25 good faith and believes it has done everything required of it by this section.

232:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 12, 2019

Effective Date: September 10, 2019