

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 411

By: Hendrick of the Senate

and

Isaac of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to insurance; amending 36 O.S. 1991, Sections 6301, 6302 and 6303, which relate to release of information regarding fire loss by insurers and law enforcement agencies; modifying short title; modifying definition; expanding certain act to require insurer to provide and receive from authorized agencies theft loss information; modifying scope of relevant information; conforming language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 36 O.S. 1991, Section 6301, is amended to read as follows:

Section 6301. This act shall be known and may be cited as the "Arson and Theft Reporting Immunity Act".

SECTION 2. AMENDATORY 36 O.S. 1991, Section 6302, is amended to read as follows:

Section 6302. As used in this act:

1. Authorized agencies include:

a. the State Fire Marshal and the marshal or head of any county or local fire investigatory agency,

b. the Director of the State Bureau of Investigation,

c. the district attorney in the county where the fire or theft occurred, and

d. for the purposes of subsection A of Section ~~3~~ 6303 of this ~~act~~ title, the Federal Bureau of Investigation, the United States Attorney or any other federal agency authorized or charged with investigation or prosecution with respect to a fire or theft;

2. Relevant information means any information having a tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the information; and

3. Action includes the failure to take action.

SECTION 3. AMENDATORY 36 O.S. 1991, Section 6303, is amended to read as follows:

Section 6303. A. Any authorized agency may by written request require an insurance company to release to the authorized agency any relevant information or evidence which the company may have in its possession, relating to a fire or theft loss under investigation by such agency. Relevant information includes, but is not limited to:

1. Information with regard to the policy covering a fire or theft loss under investigation and any application for such policy;

2. Records of policy premium payments;

3. The limits of coverage under the policy;

3. 4. History of previous claims made by the insured; and

4. 5. Any material or evidence relating to the investigation of the loss, including statements of any person or proof of loss.

B. When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, the company shall in writing notify an authorized agency and provide it with all information, documents and evidence relating to the company's inquiry into the fire loss, for the purpose of having such fire loss investigated.

C. An authorized agency provided with information pursuant to subsections A or B of this section may release or provide such information to any other authorized agency.

D. Any insurance company providing information to an authorized agency pursuant to this act shall have the right to request from the authorized agency additional information relating to the fire or theft loss. The authorized agency may release the requested information, but the release of the information is not mandatory. Provided that the insured shall be notified of any

information provided pursuant to this act. Such notice shall include the name and address of the entity to whom information is provided, as well as copies of all information so provided if such copies are requested by the insured.

SECTION 4. This act shall become effective September 1, 1993.

44-1-1138

KS