

SHORT TITLE: Insurance; relating to release of information regarding fire loss by insurers and law enforcement agencies; expanding certain act to require insurer provide to and receive from authorized agencies theft loss information; providing immunity from liability for reporting theft loss information; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 411

By: Hendrick

AS INTRODUCED

An Act relating to insurance; amending 36 O.S. 1991, Sections 6301, 6303 and 6305, relating to release of information regarding fire loss by insurers and law enforcement agencies; modifying short title; expanding certain act to require insurer provide to and receive from authorized agencies theft loss information; providing immunity from liability for reporting theft loss 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 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. History of previous claims made by the insured; and

4. 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 3. AMENDATORY 36 O.S. 1991, Section 6305, is amended to read as follows:

Section 6305. A. Any authorized agency or insurance company ~~who~~ which receives any information furnished pursuant to this act shall hold the information in confidence until such time as its release is required by law, or required pursuant to a criminal or civil proceeding.

B. The agents or employees of any authorized agency who have participated in the investigation of a fire or theft loss may be

required to testify in any litigation with respect to such fire or  
theft loss in which an insurance company is named as a party.

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

44-1-0547

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