

SHORT TITLE: Insurance; relating to investigation of fire and theft loss; expanding act to include other insured losses for which information may be released; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 642

By: Ford

AS INTRODUCED

An Act relating to insurance; amending 36 O.S. 1991, Sections 6301, 6302 and 6303, as amended by Sections 1, 2 and 3, Chapter 223, O.S.L. 1993, and 6305 (36 O.S. Supp. 1993, Sections 6301, 6302 and 6303), which relate to investigation of fire and theft loss; expanding act to include other insured losses for which information may be released; modifying short title; modifying definitions; authorizing certain agencies to require insurer to release certain information or evidence; deleting certain notification requirement; authorizing release of certain information to insurer or authorized agency upon request of either; deleting provision making certain release of information optional; deleting certain notification requirements; requiring authorized agency to provide certain information requested by insurer within certain time period; expanding condition under which certain agents and employees may be required to testify; 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, as amended by Section 1, Chapter 223, O.S.L. 1993 (36 O.S. Supp. 1993, Section 6301), is amended to read as follows:

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

SECTION 2. AMENDATORY 36 O.S. 1991, Section 6302, as amended by Section 2, Chapter 223, O.S.L. 1993 (36 O.S. Supp. 1993, Section 6302), is amended to read as follows:

Section 6302. As used in this act:

1. "Authorized agencies" ~~include~~ means:

- 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 a~~ police department of a city, village, town or county,
- c. ~~the district attorney in the county where the fire or theft occurred, and~~ any duly constituted criminal investigative department or agency of the United States,
- d. ~~for the purposes of subsection A of Section 6303 of this 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~~ the prosecuting attorney of any city, village, town, county, or state, or of the United States, or any political subdivision thereof,
- e. the Department of Public Safety, or
- f. the Department of Insurance;

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, as amended by Section 3, Chapter 223, O.S.L. 1993 (36 O.S. Supp. 1993, 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 an application for insurance, a fire or theft loss, or any other claim 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~~ the loss or claim under investigation and any application for such policy;

2. Records of policy premium payments;

3. The limits of coverage under the policy;

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

5. Any material or evidence relating to the investigation of the purported 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~~ Upon written request by an insurer to an authorized agency or by an authorized agency to an insurer, the insurer, an agent authorized by the insurer to act on its behalf, or the authorized agency may release to the authorized agency or the insurer any or all information which is deemed important relating to any suspected arson, theft or insurance fraud.

C. An authorized agency provided with information pursuant to ~~subsections~~ subsection 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~~ subsection A or B of this section 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~~ in writing information in the possession or control of the authorized agency relating to the same suspected fraudulent insurance act of which the insurer notifies the agency. The authorized agency shall provide the requested information within thirty (30) days of the request.

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

Section 6305. A. Any authorized agency or insurance company who 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~~ purported loss may be required to testify in any litigation with respect to such ~~fire~~ loss in which an insurance company is named as a party.

SECTION 5. This act shall become effective September 1, 1994.

44-2-1838

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