

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1003 Session of  
1979

INTRODUCED BY KOWALYSHYN, F. TAYLOR, LIVENGOOD,  
A. C. FOSTER, JR., REED, TELEK AND M. R. CLARK,  
APRIL 23, 1979

REFERRED TO COMMITTEE ON INSURANCE, APRIL 23, 1979

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," providing for arson investigations  
12 and the disclosure and confidentiality of certain  
13 information.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.184), known  
17 as "The Insurance Company Law of 1921," is amended by adding a  
18 section to read:

19 Section 508. Arson Investigations.--(a) The following words  
20 and phrases when used in this section shall have the meanings  
21 given them in this subsection unless the context clearly  
22 indicates otherwise:

23 "Authorized agency." Any of the following offices or

1 agencies or their duly authorized representatives, when  
2 investigating or prosecuting arson in connection with a specific  
3 fire: State Fire Marshal, Chief of the Division of Forest Fire  
4 Protection of the Department of Environmental Resources, chief  
5 of any paid municipal fire department or volunteer fire company,  
6 Attorney General, district attorney, any law enforcement officer  
7 with the power to investigate arson and any Federal agency.

8 "Insurer." Any insurer authorized under this article to  
9 issue or write fire insurance in this Commonwealth, including  
10 its agents, servants, investigators and adjusters.

11 (b) An authorized agency may, when there is evidence or  
12 suspicion that the crime of arson has been committed, request  
13 any insurer to release all information in its possession which  
14 the authorized agency determines to be relevant to such crime.

15 The insurer shall release:

16 (1) Any insurance policy or any application for such a  
17 policy.

18 (2) Policy premium payment records.

19 (3) History of previous claims made by the insured for fire  
20 loss.

21 (4) Material relating to the investigation of the loss,  
22 including statements of any person, proof of loss and any other  
23 relevant evidence.

24 (c)(1) If any insurer has reason to suspect that a fire loss  
25 was caused by incendiary means, the insurer shall furnish an  
26 authorized agency with all relevant information acquired during  
27 its investigation of the fire loss and cooperate in an  
28 investigation by any authorized agency.

29 (2) The authorized agency provided with information pursuant  
30 to this section may release such information to any of the other

1 authorized agencies or to insurers. However, no such information  
2 shall be otherwise disclosed or released and shall be held in  
3 confidence until such time as its release or disclosure is  
4 required in a criminal or civil proceeding.

5 (d) In the absence of fraud or malice, no insurer who  
6 furnishes information pursuant to this section shall be liable  
7 for damages in a civil action or subject to criminal  
8 prosecution, nor shall any authorized agency which releases  
9 information pursuant to this section be liable for damages in a  
10 civil action or subject to criminal prosecution. The act of  
11 furnishing information required pursuant to this section shall  
12 not constitute an act of fraud or malice.

13 (e) In any case in which an insurer willfully fails to  
14 comply with the provisions of this section, the authorized  
15 agency may petition the court of common pleas in an appropriate  
16 county for an order requiring compliance.

17 Section 2. This act shall take effect in 60 days.