

FILED MAR 2 1979

SENATE FILE 339

By COMMITTEE ON COMMERCE
Approved 2/1/79 6:30

Passed Senate, Date 3-13-79 (p. 157) Passed House, Date 4-3-79 (p. 1295)
Vote: Ayes 48 Nays 0 Vote: Ayes 72 Nays 0
Approved April 12, 1979

A BILL FOR

1 An Act relating to investigation of arson and providing
2 immunity and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SEANTE FILE 339

H-3709

1 Amend Senate File 339, as passed by the Senate,
2 as follows:
3 1. Page 3, by inserting after line 6 the
4 following:
5 "Sec. . NEW SECTION. SMOKE DETECTION SYSTEMS
6 REQUIRED. Smoke detection systems shall be
7 installed in all apartment houses, hotels, motels,
8 and rooming houses or parts of buildings used for
9 such purposes throughout the state on which
10 construction is begun after the effective date of
11 this Act. Smoke detection systems shall meet such
12 performance standards and installation requirements
13 as the state building code commissioner, in
14 consultation with the state fire marshal, shall by
15 rule prescribe."

H-3709 FILED *Rule not germane 4/3* BY BINA of Scott
APRIL 3, 1979 *(p. 1293)*
RULED NOT GERMANE

1 Section 1. NEW SECTION. DEFINITIONS.

2 1. "Authorized agencies" means:

3 a. The state fire marshal.

4 b. The commissioner of public safety.

5 c. The county attorney responsible for prosecutions in
6 the county where a fire occurs.

7 d. The attorney general.

8 e. The federal bureau of investigation or other federal
9 agency requesting information on a fire loss.

10 f. The United States attorney's office when authorized
11 or charged with investigation of a fire or prosecution for
12 arson.

13 2. "Relevant information" means information having any
14 tendency to make the existence of a fact that is of con-
15 sequence to the investigation or determination of the issue
16 more probable or less probable than it would be without the
17 information.

18 3. "Insurance company" includes, but is not limited to,
19 the Iowa fair plan and its member insurance companies.

20 Sec. 2. NEW SECTION. DISCLOSURE OF INFORMATION.

21 1. An authorized agency may, in writing, require an in-
22 surance company to release to the agency relevant information
23 or evidence requested by the agency which the company has
24 in its possession relating to a fire loss. Relevant
25 information includes but is not limited to:

26 a. Insurance policy information relating to a fire loss
27 under investigation including information on the policy ap-
28 plication.

29 b. Policy premium payment records.

30 c. History of previous claims made by the insured.

31 d. Material relating to the investigation of the loss,
32 including statements of any person, proof of loss, and other
33 evidence relevant to the investigation.

34 2. When an insurance company has reason to believe that
35 a fire loss insured by the company was caused by something

1 other than an accident, the company shall, in writing, notify
2 any authorized agency and provide it with all material pos-
3 sessed by the company relevant to an investigation of the
4 fire loss or a prosecution for arson.

5 3. An authorized agency provided with information pursu-
6 ant to this section may provide the information to any other
7 authorized agency for purposes of an investigation of a fire
8 loss or a prosecution for arson.

9 4. An insurance company providing information to an au-
10 thorized agency pursuant to subsections one (1) and two (2)
11 of this section may request information relevant to the fire
12 loss investigation from an authorized agency and shall be
13 given the information within a reasonable time not exceeding
14 thirty days.

15 5. No civil action nor criminal prosecution may arise
16 from any action taken pursuant to this section by an insurance
17 company, a person acting in an insurance company's behalf,
18 or an authorized agency, provided no malice is shown against
19 the insured.

20 Sec. 3. NEW SECTION. CONFIDENTIALITY--SUBPOENA.

21 1. An authorized agency or insurance company which re-
22 ceives information furnished pursuant to section two (2) of
23 this Act, shall hold the information in confidence until such
24 time as its release is required pursuant to a criminal or
25 civil proceeding.

26 2. An authorized agency or its personnel may be sub-
27 poenaed to testify in litigation concerning a fire loss in
28 which an insurance company is named as a party.

29 Sec. 4. NEW SECTION. PENALTY.

30 1. A person or agency who intentionally or knowingly re-
31 fuses to release information requested pursuant to this Act
32 is guilty of a simple misdemeanor.

33 2. A person who fails to hold in confidence information
34 required to be held in confidence by section three (3) of
35 this Act is guilty of a simple misdemeanor.

SENATE FILE 339

AN ACT
RELATING TO INVESTIGATION OF ARSON AND PROVIDING IMMUNITY AND
PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. DEFINITIONS.

1. "Authorized agencies" means:
 - a. The state fire marshal.
 - b. The commissioner of public safety.
 - c. The county attorney responsible for prosecutions in the county where a fire occurs.
 - d. The attorney general.
 - e. The federal bureau of investigation or other federal agency requesting information on a fire loss.

- f. The United States attorney's office when authorized or charged with investigation of a fire or prosecution for arson.

2. "Relevant information" means information having any tendency to make the existence of a 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.

3. "Insurance company" includes, but is not limited to, the Iowa fair plan and its member insurance companies.

Sec. 2. NEW SECTION. DISCLOSURE OF INFORMATION.

1. An authorized agency may, in writing, require an insurance company to release to the agency relevant information or evidence requested by the agency which the company has in its possession relating to a fire loss. Relevant information includes but is not limited to:

- a. Insurance policy information relating to a fire loss under investigation including information on the policy application.
- b. Policy premium payment records.
- c. History of previous claims made by the insured.
- d. Material relating to the investigation of the loss, including statements of any person, proof of loss, and other evidence relevant to the investigation.

2. When an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, the company shall, in writing, notify any authorized agency and provide it with all material possessed by the company relevant to an investigation of the fire loss or a prosecution for arson.

3. An authorized agency provided with information pursuant to this section may provide the information to any other authorized agency for purposes of an investigation of a fire loss or a prosecution for arson.

4. An insurance company providing information to an authorized agency pursuant to subsections one (1) and two (2) of this section may request information relevant to the fire loss investigation from an authorized agency and shall be given the information within a reasonable time not exceeding thirty days.

5. No civil action nor criminal prosecution may arise from any action taken pursuant to this section by an insurance company, a person acting in an insurance company's behalf, or an authorized agency, provided no malice is shown against the insured.

Sec. 3. NEW SECTION. CONFIDENTIALITY--SUBPOENA.

1. An authorized agency or insurance company which receives information furnished pursuant to section two (2) of this Act, shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

2. An authorized agency or its personnel, may be subpoenaed to testify in litigation concerning a fire loss in which an insurance company is named as a party.

Sec. 4. NEW SECTION. PENALTY.

1. A person or agency who intentionally or knowingly refuses to release information requested pursuant to this Act is guilty of a simple misdemeanor.

2. A person who fails to hold in confidence information required to be held in confidence by section three (3) of this Act is guilty of a simple misdemeanor.

Sec. 5. NEW SECTION. CONCURRENT POWERS. The provisions of this Act do not affect or repeal an ordinance of a municipality relating to fire prevention or the control of arson, but the jurisdiction of the state fire marshal and the commissioner of public safety in the municipality is concurrent with that of the municipal and county authorities.

Sec. 6. If any provision of this Act is declared invalid the whole Act is void, and to this end the provisions of this Act are not severable.

Sec. 7. This Act is effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 339, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved April 12, 1979

ROBERT D. RAY
Governor