

HB3909



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3909

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

215 ILCS 145/1

from Ch. 73, par. 1153

Amends the Property Fire Loss Act. Allows the Fire Marshal and the Department of Insurance to prohibit the release of certain information to insurance companies if it would endanger the life or physical safety of law enforcement personnel or any other person. Makes technical changes.

LRB099 09722 MLM 29931 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Fire Loss Act is amended by
5 changing Section 1 as follows:

6 (215 ILCS 145/1) (from Ch. 73, par. 1153)

7 Sec. 1. (a) The Fire Marshal, the director of the
8 Department of Insurance or personnel from any other authorized
9 fire department or law enforcement agency charged with the
10 responsibility of investigating a fire loss or potential fire
11 loss, may request any insurance company that has investigated
12 or is investigating a fire loss or potential fire loss of real
13 or personal property to release any factual information in its
14 possession which is pertinent to this type of loss or potential
15 loss and has some relationship to the loss or potential loss
16 itself. The company shall release the information and cooperate
17 with any official authorized to request such information
18 pursuant to this Section. The information shall include, but is
19 not limited to:

20 (1) Any insurance policy relevant to a fire loss or
21 potential fire loss under investigation and any application for
22 such a policy;

23 (2) Policy premium payment records;

1 (3) History of previous claims made by the insured for fire
2 loss;

3 (4) Material relating to the investigation of the loss or
4 potential loss, including statements of any person, proof of
5 loss, and any other relevant evidence.

6 (b) If an insurance company has reason to believe that a
7 fire loss to its insured's real or personal property was caused
8 by other than accidental means, the company shall notify the
9 Fire Marshal, the director of the Department of Insurance or
10 any other appropriate law enforcement agency charged with the
11 responsibility to investigate fire losses and furnish such
12 persons with all relative material acquired during its
13 investigation of the fire loss, cooperate with and take such
14 reasonable action as may be requested by any law enforcement
15 agency, and cooperate with the Court and administrative
16 agencies of the State, and any official from the Fire Marshal's
17 office, the office of the director of the Department of
18 Insurance or any law enforcement agency charged with the
19 responsibility to investigate the fire. Such insurance company
20 may request officials and departmental and agency personnel
21 receiving information on fire losses or potential fire losses
22 to release information relative to any investigation it has
23 made concerning any such fire loss or potential loss reported
24 by such company. Subject to the provisions of subsection (a) of
25 this Section and subparagraphs ~~paragraphs~~ (i), (iii), (iv),
26 (v), (vi), and (vii) of paragraph (d) and ~~(viii)~~ of subsection

1 (1) ~~(e)~~ of Section 7 of the Freedom of Information Act, such
2 insurance company shall have the right to receive, within a
3 reasonable time, not to exceed 30 days after the receipt of
4 such request, the relevant information requested.

5 (c) In the absence of malice, no insurance company, or
6 person who furnishes information on its behalf, or authorized
7 person, department or agency as defined in subsection (a) who
8 releases information, is liable for damages in a civil action
9 or subject to criminal prosecution for any oral or written
10 statement made or any other action taken that is necessary to
11 supply information required pursuant to this Section.

12 (d) The officials and departmental and agency personnel
13 receiving any information furnished pursuant to this Section
14 shall hold the information in confidence until such time as its
15 release is required pursuant to this Section or a criminal or
16 civil proceeding.

17 (e) Any official referred to in paragraph (a) of this
18 Section may be required to testify as to any information in his
19 possession regarding the fire loss of real or personal property
20 in any civil action in which any person seeks recovery under a
21 policy against an insurance company for the fire loss.

22 (f) As used in this Section, "insurance company" includes
23 the Illinois Fair Plan Underwriting Association, and all
24 district, county and township mutual insurance companies.

25 (g) (1) No person shall intentionally or knowingly refuse
26 to release any information properly requested, pursuant to

1 paragraph (a) of this Section.

2 (2) No person shall refuse to make the necessary
3 notification of a fire loss pursuant to paragraph (b) of this
4 Section.

5 (3) No person shall refuse to supply to the proper
6 authorities pertinent information required to be furnished
7 pursuant to paragraph (b) of this Section.

8 (4) No person shall fail to hold in confidence information
9 required to be held in confidence by paragraph (d) of this
10 Section.

11 (h) Whoever violates paragraph (g) (1), (2), (3) or (4) of
12 this Section is guilty of a Class C misdemeanor and is subject
13 to a fine not to exceed \$100. It shall not be considered a
14 violation of this Section if an insurance company in good
15 faith, believes it has done everything required of it by this
16 Statute.

17 (i) A fire department or law enforcement agency that has
18 investigated or is investigating a fire loss or potential fire
19 loss of real or personal property may release to an insurer of
20 such property any factual information, including statements,
21 in its possession which is pertinent or related to the type of
22 loss or potential loss.

23 (Source: P.A. 86-1021.)