

## ACT 215

H.B. NO. 988

A Bill for an Act Relating to Arson Investigation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 132, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 132- Investigation of fires; immunity for information received from insurers.** (a) The fire chief of each county may require any insurer in writing to release information relating to any investigation the insurer has made concerning a loss or potential loss due to fire of suspicious or incendiary origin which information shall include but not be limited to:

- (1) An insurance policy relating to such loss;
- (2) Policy premium records;
- (3) History of previous claims; and
- (4) Other relevant material relating to such loss or potential loss.

(b) If any insurer has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the insurer shall furnish the county fire chief with all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be required of it by the county fire chief, and permit any person ordered by the court to inspect any of its records pertaining to the policy and the loss. Such insurer may request the county fire chief to release information relating to any investigation he has made concerning any such fire loss of suspicious or incendiary origin.

(c) In the absence of fraud, malice, or criminal act, no insurer or person who furnishes information on its behalf, shall be liable for damages in a civil action or be subject to criminal prosecution for any oral or written statement made that is necessary to supply information required pursuant to this section.

(d) The county fire chief receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required in furtherance of a criminal or civil proceeding.

(e) The county fire chief, in person or by officers or members of his fire department, may be required to testify as to any information in his possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against any insurance company for the fire loss.”

SECTION 2. New statutory material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 18, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.