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**Consumer Protection & Business  
Committee**

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**HB 1793**

**Brief Description:** Modifying reports of fire losses.

**Sponsors:** Representatives Griffey, Bronoske, Wylie, Rule, Ramel, Ormsby, Bernbaum, Salahuddin, Reed, Pollet, Macri, Hill and Scott; by request of Insurance Commissioner.

**Brief Summary of Bill**

- Modifies fire loss reporting requirements for insurers, including fire losses due to known or suspected criminal activity.
- Requires that fire loss reports be made directly to the Office of the Insurance Commissioner rather than to the chief of the Washington State Patrol.
- Declares information submitted from fire loss reports to be confidential and privileged and not subject to public disclosure.
- Provides insurers with civil immunity from actions or suits arising from information submitted in fire loss reports.

**Hearing Date:** 2/12/25

**Staff:** Megan Mulvihill (786-7304).

**Background:**

An authorized insurer is an insurer transacting insurance through a certificate of authority issued by the Office of the Insurance Commissioner (OIC). Each authorized insurer must promptly report to the Washington State Patrol (WSP) chief each fire loss of property in Washington that

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is reported to the insurer and whether the loss is due to criminal activity or undetermined causes, as well as claims paid by the insurer for loss or damage by fire in this state.

If the insurer has reason to believe that a fire loss reported to the insurer may be of other-than-accidental cause, the insurer must include in the report to the WSP chief any and all relevant material developed from the insurer's inquiry into the fire loss. Copies of such reports must be promptly transmitted to the OIC.

### **Summary of Bill:**

Within 30 days of closing a claim or any subsequent adjustment or further investigation related to fire loss or damage, an authorized insurer must report the fire loss to the OIC, rather than to the chief of the WSP. The reported information must include:

- the property address;
- the date of loss;
- the amount that the insurer paid on each coverage;
- the known or suspected origin and cause of the loss or damage, including whether the loss is due to criminal activity or undetermined causes; and
- any other information required by the OIC.

Whenever an insurer knows or suspects that a fire loss or damage may be due to criminal activity, the insurer must immediately report to the local or tribal law enforcement agency and the OIC the details of the loss or damage and the basis for the insurer's knowledge or suspicion that the fire loss may be due to criminal activity. Upon request, the insurer must provide a complete copy of any full or partial investigation of the claim or loss. The receiving local or tribal law enforcement agency must share such information and coordinate with the responsible fire department chief, county fire marshal, or other designated fire official.

Unless actual malice, fraud, or bad faith is shown, an insurer is immune from civil liability for reporting fire loss due to known or suspected criminal activity or for cooperating with a duly issued subpoena for a criminal investigation or prosecution.

Documents, materials, reports, data, investigations, and other information relating to fire loss reports and known or suspected criminal activity reports are confidential and privileged, not subject to public disclosure, and not subject to a civil matter subpoena directed to the Insurance Commissioner or any person who processes such information. The Insurance Commissioner, OIC staff, or anyone receiving or processing such information may not testify in any private civil action concerning such information. Such persons may cooperate with subpoenas for documents or testimony in criminal matters.

The OIC may share such information with:

- the National Association of Insurance Commissioners and its affiliates and subsidiaries;
- regulatory, law enforcement, and prosecutorial officials of other states and nations, the federal government, tribal governments, and international authorities;

- agencies of this state;
- rating bureaus;
- the State Fire Marshal's office; and
- local or tribal law enforcement officials, prosecutors, or fire chiefs in this state.

The OIC must require a recipient of information to maintain the confidentiality and privileged status of the information, with the following exceptions:

- The State Fire Marshal's office may use the shared information for wildfire and resiliency planning purposes, so long as it does not publicly disclose information that contains personally identifiable information about properties, property owners, policyholders, losses, claimants, or claims.
- Rating bureaus may use the shared information to analyze and inform rating classifications, so long as they do not publicly disclose, other than to rating subscribers, information that contains personally identifiable information about property owners, policyholders, losses, claimants, claims, or properties, other than aggregated by zip code or fire district boundary.
- Local or tribal law enforcement officials, prosecutors, and fire chiefs in this state may use the shared information for public safety planning purposes, so long as they do not publicly disclose information that contains personally identifiable information about properties, property owners, policyholders, losses, claimants, or claims, other than aggregated by zip code.
- Local, tribal, state, or federal law enforcement officials, prosecutors, and fire chiefs in this state and limited-authority peace officers employed by the OIC may use the shared information to investigate and prosecute crime. In so doing, they may release information as is necessary for investigative and prosecutorial purposes to comply with all due process rights of criminally accused individuals and to comply with public records obligations applicable to criminal investigations or prosecutions.

Data, information, and documents obtained from an insurer, or by or from the OIC, relating to fire loss reports and known or suspected criminal activity reports are exempt from public disclosure under the Public Records Act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.