

---

**SUBSTITUTE HOUSE BILL 1793**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Griffey, Bronoske, Wylie, Rule, Ramel, Ormsby, Bernbaum, Salahuddin, Reed, Pollet, Macri, Hill, and Scott; by request of Insurance Commissioner)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to reports of fire losses; and amending RCW  
2 42.56.400, 48.05.320, and 48.50.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.56.400 and 2023 c 149 s 12 are each amended to  
5 read as follows:

6 The following information relating to insurance and financial  
7 institutions is exempt from disclosure under this chapter:

8 (1) Records maintained by the board of industrial insurance  
9 appeals that are related to appeals of crime victims' compensation  
10 claims filed with the board under RCW 7.68.110;

11 (2) Information obtained and exempted or withheld from public  
12 inspection by the health care authority under RCW 41.05.026, whether  
13 retained by the authority, transferred to another state purchased  
14 health care program by the authority, or transferred by the authority  
15 to a technical review committee created to facilitate the  
16 development, acquisition, or implementation of state purchased health  
17 care under chapter 41.05 RCW;

18 (3) The names and individual identification data of either all  
19 owners or all insureds, or both, received by the insurance  
20 commissioner under chapter 48.102 RCW;

21 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

1 (5) Information provided under RCW 48.05.510 through 48.05.535,  
2 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and  
3 48.46.600 through 48.46.625;

4 (6) Examination reports and information obtained by the  
5 department of financial institutions from banks under RCW 30A.04.075,  
6 from savings banks under RCW 32.04.220, from savings and loan  
7 associations under RCW 33.04.110, from credit unions under RCW  
8 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and  
9 from securities brokers and investment advisers under RCW 21.20.100,  
10 information that could reasonably be expected to reveal the identity  
11 of a whistleblower under RCW 21.40.090, and information received  
12 under RCW 43.320.190, all of which are confidential and privileged  
13 information;

14 (7) Information provided to the insurance commissioner under RCW  
15 48.110.040(3);

16 (8) Documents, materials, or information obtained by the  
17 insurance commissioner under RCW 48.02.065, all of which are  
18 confidential and privileged;

19 (9) Documents, materials, or information obtained or provided by  
20 the insurance commissioner under RCW 48.31B.015(2) (l) and (m),  
21 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are  
22 confidential and privileged;

23 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and  
24 7.70.140 that, alone or in combination with any other data, may  
25 reveal the identity of a claimant, health care provider, health care  
26 facility, insuring entity, or self-insurer involved in a particular  
27 claim or a collection of claims. For the purposes of this subsection:

28 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

29 (b) "Health care facility" has the same meaning as in RCW  
30 48.140.010(6).

31 (c) "Health care provider" has the same meaning as in RCW  
32 48.140.010(7).

33 (d) "Insuring entity" has the same meaning as in RCW  
34 48.140.010(8).

35 (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

36 (11) Documents, materials, or information obtained by the  
37 insurance commissioner under RCW 48.135.060;

38 (12) Documents, materials, or information obtained by the  
39 insurance commissioner under RCW 48.37.060;

- 1 (13) Confidential and privileged documents obtained or produced  
2 by the insurance commissioner and identified in RCW 48.37.080;
- 3 (14) Documents, materials, or information obtained by the  
4 insurance commissioner under RCW 48.37.140;
- 5 (15) Documents, materials, or information obtained by the  
6 insurance commissioner under RCW 48.17.595;
- 7 (16) Documents, materials, or information obtained by the  
8 insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and  
9 (7) (a) (ii);
- 10 (17) Documents, materials, or information obtained by the  
11 insurance commissioner in the commissioner's capacity as receiver  
12 under RCW 48.31.025 and 48.99.017, which are records under the  
13 jurisdiction and control of the receivership court. The commissioner  
14 is not required to search for, log, produce, or otherwise comply with  
15 the public records act for any records that the commissioner obtains  
16 under chapters 48.31 and 48.99 RCW in the commissioner's capacity as  
17 a receiver, except as directed by the receivership court;
- 18 (18) Documents, materials, or information obtained by the  
19 insurance commissioner under RCW 48.13.151;
- 20 (19) Data, information, and documents provided by a carrier  
21 pursuant to section 1, chapter 172, Laws of 2010;
- 22 (20) Information in a filing of usage-based insurance about the  
23 usage-based component of the rate pursuant to RCW 48.19.040(5)(b);
- 24 (21) Data, information, and documents that are submitted to the  
25 office of the insurance commissioner by an entity providing health  
26 care coverage pursuant to RCW 28A.400.275;
- 27 (22) Data, information, and documents obtained by the insurance  
28 commissioner under RCW 48.29.017;
- 29 (23) Information not subject to public inspection or public  
30 disclosure under RCW 48.43.730(5);
- 31 (24) Documents, materials, or information obtained by the  
32 insurance commissioner under chapter 48.05A RCW;
- 33 (25) Documents, materials, or information obtained by the  
34 insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6),  
35 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents,  
36 materials, or information independently qualify for exemption from  
37 disclosure as documents, materials, or information in possession of  
38 the commissioner pursuant to a financial conduct examination and  
39 exempt from disclosure under RCW 48.02.065;

1 (26) Nonpublic personal health information obtained by, disclosed  
2 to, or in the custody of the insurance commissioner, as provided in  
3 RCW 48.02.068;

4 (27) Data, information, and documents obtained by the insurance  
5 commissioner under RCW 48.02.230;

6 (28) Documents, materials, or other information, including the  
7 corporate annual disclosure obtained by the insurance commissioner  
8 under RCW 48.195.020;

9 (29) Findings and orders disapproving acquisition of a trust  
10 institution under RCW 30B.53.100(3);

11 (30) All claims data, including health care and financial related  
12 data received under RCW 41.05.890, received and held by the health  
13 care authority; (~~and~~)

14 (31) Contracts not subject to public disclosure under RCW  
15 48.200.040 and 48.43.731; and

16 (32) Data, information, and documents obtained from an insurer,  
17 or by or from the insurance commissioner, under RCW 48.05.320.

18 **Sec. 2.** RCW 48.05.320 and 1995 c 369 s 24 are each amended to  
19 read as follows:

20 (1) (~~Each~~) Within 90 days of closing a claim related to a fire  
21 loss or damage or any subsequent non-de minimis adjustment or further  
22 investigation related to a fire loss or damage, an authorized insurer  
23 shall (~~promptly~~) report to the (~~chief of the Washington state~~  
24 patrol, through the director of fire protection, upon forms as  
25 prescribed and furnished by him or her) insurance commissioner, in  
26 the manner prescribed by the insurance commissioner to include  
27 reporting via a third party vendor, each fire loss of property in  
28 this state reported to (~~it and~~) the insurer. At a minimum, the  
29 reported information must include:

30 (a) The zip code of the property;

31 (b) The date of loss;

32 (c) The amount that the insurer paid on each coverage;

33 (d) The known or suspected origin and cause of the loss or damage  
34 if determined, including whether the loss is due to criminal activity  
35 or to undetermined causes (~~-~~

36 ~~(2) Each such insurer shall likewise report to the chief of the~~  
37 ~~Washington state patrol, through the director of fire protection,~~  
38 ~~upon claims paid by it for loss or damage by fire in this state.~~

1 ~~Copies of all reports required by this section shall be promptly~~  
2 ~~transmitted to the state insurance commissioner)); and~~

3 (e) The national association of insurance commissioners company  
4 number.

5 (2)(a) In addition to the report of information required under  
6 subsection (1) of this section, whenever an insurer knows or suspects  
7 that a fire loss or damage may be due to criminal activity, the  
8 insurer shall immediately report to the local or tribal law  
9 enforcement agency of jurisdiction, and the insurance commissioner,  
10 the details of the loss or damage and the basis for the insurer's  
11 knowledge or suspicion that it may be due to criminal activity, and  
12 upon request, provide a complete copy of any full or partial  
13 investigation of the claim or loss conducted by the insurer.

14 (b) Upon receipt of a report from an insurer made pursuant to (a)  
15 of this subsection, the local or tribal law enforcement agency shall  
16 timely share all information received from the insurer with the  
17 individual responsible for fire investigation under RCW 43.44.050(1),  
18 and shall coordinate with that individual consistent with RCW  
19 43.44.050.

20 (c) Unless actual malice is shown, an insurer is immune from  
21 liability in any civil action or suit arising from its (i) report of  
22 information to law enforcement and the insurance commissioner  
23 pursuant to this subsection (2), or (ii) cooperation with a duly  
24 issued subpoena for a criminal investigation or prosecution.

25 (3) Except as provided in this subsection (3), documents,  
26 materials, reports, data, investigations, and other information  
27 described in subsections (1) and (2) of this section are confidential  
28 by law and privileged, are not subject to public disclosure under  
29 chapter 42.56 RCW, and are not subject to a civil matter subpoena  
30 directed to the insurance commissioner or any person who processes  
31 information received pursuant to this section. Neither the insurance  
32 commissioner, staff of the office of the insurance commissioner, nor  
33 anyone receiving or processing information pursuant to this section  
34 is permitted or required to testify in any private civil action  
35 concerning any information that is confidential and privileged under  
36 this subsection (3). Nothing in this subsection prohibits cooperation  
37 with subpoenas for documents or testimony in criminal matters.

38 (a) The commissioner may share documents, materials, reports,  
39 data, investigations, and other information, including the  
40 confidential and privileged information received pursuant to this

1 section, with: (i) The national association of insurance  
2 commissioners and its affiliates and subsidiaries; (ii) regulatory,  
3 law enforcement, and prosecutorial officials of other states and  
4 nations, the federal government, tribal governments, and  
5 international authorities; (iii) agencies of this state; (iv) rating  
6 bureaus; (v) the state fire marshal's office; and (vi) local or  
7 tribal law enforcement officials, prosecutors, or fire chiefs and  
8 fire marshals in this state. Except as provided in (b) through (e) of  
9 this subsection, the commissioner must require a recipient of  
10 information shared pursuant to this subsection (3)(a) to maintain the  
11 confidentiality and privileged status of the information.

12 (b) The state fire marshal's office may use information shared  
13 under (a) of this subsection for wildfire and resiliency planning  
14 purposes, so long as it does not publicly disclose information that  
15 contains personally identifiable information about properties,  
16 property owners, policyholders, losses, claimants, or claims.

17 (c) Rating bureaus may use the information shared under (a) of  
18 this subsection to analyze and inform rating classifications, so long  
19 as they do not publicly disclose, other than to rating subscribers,  
20 information that contains personally identifiable information about  
21 property owners, policyholders, losses, claimants, claims, or  
22 properties, other than aggregated by zip code or fire district  
23 boundary.

24 (d) Local or tribal law enforcement officials, prosecutors, and  
25 fire chiefs and fire marshals in this state may use information  
26 shared under (a) of this subsection for public safety planning  
27 purposes, so long as they do not publicly disclose information that  
28 contains personally identifiable information about properties,  
29 property owners, policyholders, losses, claimants, or claims, other  
30 than aggregated by zip code.

31 (e) Local, tribal, state, or federal law enforcement officials,  
32 prosecutors, and fire chiefs and fire marshals in this state, and  
33 limited authority peace officers employed by the insurance  
34 commissioner may use information referenced under this section to  
35 investigate and prosecute crime, and in so doing, may release  
36 information received under this section as is necessary for  
37 investigative and prosecutorial purposes, to comply with all due  
38 process rights of criminally accused individuals, and to comply with  
39 public records obligations applicable to criminal investigations or  
40 prosecutions. Nothing in this section is intended to modify criminal

1 investigative procedures or prosecutions or any authority, process,  
2 right, or obligation related to them.

3 (4) The insurance commissioner may adopt rules as necessary to  
4 implement this section. The reporting requirements in subsections (1)  
5 and (2) of this section may not be enforced against an insurer until  
6 one year after rules implementing this section are adopted by the  
7 insurance commissioner.

8 **Sec. 3.** RCW 48.50.040 and 2000 c 254 s 2 are each amended to  
9 read as follows:

10 (1) When an insurer has reason to believe that a fire loss  
11 reported to the insurer may be of other than accidental cause, the  
12 insurer shall notify the (~~chief of the Washington state patrol,~~  
13 ~~through the director of fire protection~~) insurance commissioner, in  
14 the manner prescribed under RCW 48.05.320 concerning the  
15 circumstances of the fire loss, including any and all relevant  
16 material developed from the insurer's inquiry into the fire loss.

17 (2) Notification of the (~~chief of the Washington state patrol,~~  
18 ~~through the director of fire protection,~~) insurance commissioner  
19 under subsection (1) of this section does not relieve the insurer of  
20 the duty to respond to a request for information from any other  
21 authorized agency and does not bar an insurer from other reporting  
22 under RCW 48.50.030(2).

--- END ---