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HOUSE BILL 1793

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State of Washington

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

Read first time 02/03/25. Referred to Committee on Consumer Protection & Business.

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 30 days of closing a claim or any subsequent  
21 adjustment or further investigation related to a fire loss or damage,  
22 an authorized insurer shall ((promptly)) report to the ((chief of the  
23 Washington state patrol, through the director of fire protection,  
24 upon forms as prescribed and furnished by him or her)) insurance  
25 commissioner, in the manner prescribed by the insurance commissioner,  
26 each fire loss of property in this state reported to ((it and)) the  
27 insurer. At a minimum, the reported information must include:

28 (a) The property address;

29 (b) The date of loss;

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

31 (d) The known or suspected origin and cause of the loss or  
32 damage, including whether the loss is due to criminal activity or to  
33 undetermined causes ((-

34 ~~(2) Each such insurer shall likewise report to the chief of the~~  
35 ~~Washington state patrol, through the director of fire protection,~~  
36 ~~upon claims paid by it for loss or damage by fire in this state.~~  
37 ~~Copies of all reports required by this section shall be promptly~~  
38 ~~transmitted to the state insurance commissioner)); and~~

39 (e) Any other information required by the insurance commissioner.

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

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

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

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

35 (a) The commissioner may share documents, materials, reports,  
36 data, investigations, and other information, including the  
37 confidential and privileged information received pursuant to this  
38 section, with: (i) The national association of insurance  
39 commissioners and its affiliates and subsidiaries; (ii) regulatory,  
40 law enforcement, and prosecutorial officials of other states and

1 nations, the federal government, tribal governments, and  
2 international authorities; (iii) agencies of this state; (iv) rating  
3 bureaus; (v) the state fire marshal's office; and (vi) local or  
4 tribal law enforcement officials, prosecutors, or fire chiefs in this  
5 state. Except as provided in (b) through (e) of this subsection, the  
6 commissioner must require a recipient of information shared pursuant  
7 to this subsection (3)(a) to maintain the confidentiality and  
8 privileged status of the information.

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

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

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

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

1       (4) The insurance commissioner may adopt rules as necessary to  
2 implement this section.

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

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

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

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