
SUBSTITUTE SENATE BILL 5419

State of Washington

69th Legislature

2025 Regular Session

By Senate Business, Financial Services & Trade (originally sponsored by Senators Lovick, Muzzall, Nobles, and Shewmake; by request of Insurance Commissioner)

READ FIRST TIME 02/14/25.

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
22 further investigation related to a fire loss or damage, an authorized
23 insurer shall (~~promptly~~) report to the (~~chief of the Washington~~
24 state 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, each fire loss
27 of property in this state reported to (~~it and~~) the insurer. At a
28 minimum, the reported information must include:

29 (a) The property address;

30 (b) The date of loss;

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

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

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

1 (e) NAIC company number; and

2 (f) Any other information required by the insurance commissioner
3 relating to the insurance policy and insurance claim.

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

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

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

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

37 (a) The commissioner may share documents, materials, reports,
38 data, investigations, and other information, including the
39 confidential and privileged information received pursuant to this
40 section, with: (i) The national association of insurance

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

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

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

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

30 (e) Local, tribal, state, or federal law enforcement officials,
31 prosecutors, and fire chiefs and fire marshals in this state, and
32 limited authority peace officers employed by the insurance
33 commissioner may use information referenced under this section to
34 investigate and prosecute crime, and in so doing, may release
35 information received under this section as is necessary for
36 investigative and prosecutorial purposes, to comply with all due
37 process rights of criminally accused individuals, and to comply with
38 public records obligations applicable to criminal investigations or
39 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.

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

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

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

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