

IC 27-2-13

Chapter 13. Arson Reporting

IC 27-2-13-0.1

Application of certain amendments to chapter

Sec. 0.1. The addition of section 5 of this chapter by P.L.247-1989 applies only to insurance policies issued or renewed after June 30, 1989.

As added by P.L.220-2011, SEC.426.

IC 27-2-13-1

Definitions

Sec. 1. As used in this chapter:

(a) "Authorized agency" means:

- (1) the state fire marshal or a fire department acting under IC 36-8-17;
- (2) the superintendent of the state police;
- (3) the prosecuting attorney responsible for prosecutions in the county where the fire occurred;
- (4) the attorney general; and
- (5) an arson investigator.

(b) "Relevant" refers to information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of a fire loss more probable or less probable than it would have been without the evidence.

(c) "Insurer" has the same meaning as in IC 27-1-2-3(x) and includes the Indiana FAIR plan.

(d) "Arson investigator" means an officer of a unit of local government whose duties include the investigation of arson.

As added by Acts 1979, P.L.253, SEC.1. Amended by P.L.139-1984, SEC.1; P.L.245-1987, SEC.16; P.L.1-2006, SEC.485.

IC 27-2-13-2

Release of information by insurer to investigating authorized agency

Sec. 2. (a) An authorized agency charged with the responsibility of investigating a fire loss may, in writing, request that an insurer investigating that loss release to the requesting agency any or all relevant information or evidence considered important to the authorized agency, including:

- (1) pertinent insurance policy information relevant to a fire loss under investigation and any application for that policy;
- (2) policy premium payment records;
- (3) history of previous claims made by the insured; and
- (4) material relating to the investigation of the loss, including:
 - (A) statements of any person;
 - (B) proof of loss; and
 - (C) other evidence relevant to the investigation.

(b) An insurer shall furnish information requested under this section to the requesting authorized agency.

As added by Acts 1979, P.L.253, SEC.1. Amended by P.L.139-1984, SEC.2.

IC 27-2-13-3

Notice to authorized agency by insurer of suspected nonaccidental fire loss

Sec. 3. (a) When an insurer has reason to believe that a fire loss in which it has an interest was caused by a means that was not accidental, then, for the purpose of notification and for having that fire loss investigated, the company shall, in writing, notify an authorized agency and provide that agency with all material developed from the insurer's inquiry into the fire loss.

(b) When an insurer provides an authorized agency with notice of a fire loss, it shall be considered sufficient notice for the purpose of this chapter. However, the insurer shall provide the state fire marshal a copy of the information provided under subsection (a), if the notice was provided to an authorized agency other than the state fire marshal.

As added by Acts 1979, P.L.253, SEC.1. Amended by P.L.139-1984, SEC.3; P.L.245-1987, SEC.17; P.L.1-2006, SEC.486.

IC 27-2-13-4

Supplying information to other authorized agency or insurer; immunity from civil or criminal liability

Sec. 4. (a) An authorized agency provided with information under this chapter may release or provide that information to any other authorized agency to further its investigation.

(b) An insurer providing information to an authorized agency under section 3 of this chapter has the right to request and to receive from that agency relevant information. The agency shall provide the requested information within a reasonable time, not to exceed thirty (30) days from the date of the request.

(c) An insurer (or a person acting on its behalf) or an authorized agency who releases or provides evidence or information under this chapter is immune from any civil or criminal liability for providing the evidence or information.

As added by Acts 1979, P.L.253, SEC.1. Amended by P.L.139-1984, SEC.4.

IC 27-2-13-5

Withholding of insurance proceeds; exceptions

Sec. 5. An authorized agency that is investigating a fire believed to have been caused by arson may, in writing, order an insurer to withhold payment of the proceeds of an insurance policy on the damaged or destroyed property for up to thirty (30) days from the date of the order. The insurer may not make a payment during that

time, except for payments:

- (1) for emergency living expenses;
- (2) for emergency action necessary to secure the premises;
- (3) necessary to prevent further damage to the premises; or
- (4) to a mortgagee who is not the target of investigation by the authorized agency.

As added by P.L.247-1989, SEC.1.