

304.20-160 Power of authorized agency to require insurer to furnish information concerning fire loss.

- (1) Any authorized agency may, in writing, require an insurer at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency which the insurer may have in its possession, concerning a loss or potential loss due to fire of suspicious or incendiary origin. Relevant information may include, without limitation herein:
 - (a) Pertinent insurance policy information pertaining to such fire loss and any application for such a policy;
 - (b) Policy premium payment records;
 - (c) History of previous claims made by the insured;
 - (d) Material relating to such loss or potential loss.
- (2)
 - (a) When an insurer has reason to believe that a fire loss, or potential fire loss, in which it has an interest may be of other than accidental cause, then, for the purpose of notification and for having such fire loss, or potential fire loss, investigated, the insurer shall, in writing, notify any authorized agency or agencies and provide them with any or all material developed from the insurer's inquiry into the fire loss, or potential fire loss.
 - (b) When an insurer provides any one (1) of the authorized agencies with notice of a fire loss, or potential fire loss, pursuant to subsection (2)(a) of this section, it shall be sufficient notice for the purpose of KRS 304.20-160 to 304.20-190.
 - (c) Nothing in subsection (2) of this section shall abrogate or impair the rights or powers created under subsection (1) of this section.
- (3) The authorized agency provided with information pursuant to subsections (1) or (2) of this section and in furtherance of its own purposes, may release or provide such information to any of the other authorized agencies.
- (4) Any insurer providing information to an authorized agency or agencies pursuant to subsections (1) or (2) of this section shall have the right to request information relevant to a claim by an insured, and receive, within a reasonable time not to exceed thirty (30) days, the information requested.
- (5) Any insurer, or person acting in its behalf, or authorized agency which in good faith and without malice or fraudulent intent releases information, whether oral or written, pursuant to subsections (1) or (2) of this section shall not be liable either civilly or criminally for its compliance with KRS 304.20-160 to 304.20-190 unless it has provided information which it knows, or has reason to believe, to be false, inaccurate, or lacking substantial foundation in fact and unless the reporting of said information is solely for the purpose of delaying or withholding payment of an insurance claim, which the insurer would not otherwise be justified in delaying or withholding.
- (6) No insurer, or person acting on its behalf, shall provide information pursuant to subsections (1) or (2) of this section which does not have substantial foundation in fact or it knows or believes to be false, or inaccurate, and no such information shall be reported solely for the purpose of delaying payment of a claim, which it otherwise would not be justified in delaying.

Effective: July 15, 1980

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