

FIRES

CHAPTER 249

SENATE BILL NO. 2142
(Committee on Social Services and Veterans Affairs)
(At the request of the Attorney General)

FIRE HAZARD EDUCATIONAL PROGRAMS

AN ACT to create and enact a new subsection to section 18-01-02 and a new section to chapter 18-01 of the North Dakota Century Code, relating to providing for the education of the citizens of North Dakota on the hazards of fire through organized programs by the state fire marshal's office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 18-01-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

The education of the citizens of North Dakota on the hazards of fire, through organized programs.

SECTION 2. A new section to chapter 18-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Educational programs - Provided by fire marshal. The state fire marshal shall have the authority to provide educational programs on the hazards of fire.

Approved April 8, 1983

CHAPTER 250

HOUSE BILL NO. 1412
(Rued)

IMMUNITY FOR INFORMATION ON FIRE LOSS

AN ACT to amend and reenact section 18-01-05.1 of the North Dakota Century Code, relating to immunity for disclosing information to law enforcement agencies with respect to a fire loss by other than accidental cause.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-01-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-05.1. Disclosure of information - Immunity - Confidentiality.

1. The state fire marshal or any law enforcement officer as defined by section 12.1-01-04 may, in writing, require an insurance company at interest to release to him any or all relevant information or evidence deemed important which the company may have in its possession, relating to a fire loss when arson is suspected. This requirement shall be is in addition to the information required to be reported by an insurance company under the provisions of section 18-01-05.
2. Relevant information may include, but is not limited to:
 - a. Pertinent insurance policy information relevant to a fire loss under investigation and any application for such a policy.
 - b. Policy premium payment records which are available.
 - c. History of previous claims made by the insured.
 - d. Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence relevant to the investigation.

3. When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, then, for the purpose of having such fire loss investigated by the state fire marshal, or a law enforcement officer as defined by section 12.1-01-04, the company may, in writing, notify the state fire marshal or law enforcement officer and provide him with any or all material developed from the company's inquiry into the fire loss.
4. Any insurance company providing information to the state fire marshal or a law enforcement officer pursuant to ~~the provisions of~~ this section ~~shall have~~ has the right to request and receive relevant information from the state fire marshal or law enforcement officer within a reasonable time not to exceed thirty days.
5. Any insurance company, person acting in its behalf, or authorized agency, that releases information pursuant to ~~the provisions of~~ this section, whether written or oral, ~~shall be~~ is immune from any liability arising out of the release of such information.
6. For the purposes of this section, "immune" ~~shall mean~~ means that neither a civil action nor a criminal prosecution may arise from any action taken pursuant to ~~the provisions of~~ this section where actual malice, on the part of the insurance company, person acting in its behalf, or authorized agency, against the insured is not present.
7. The state fire marshal, any law enforcement officer, and any insurance company that receive any information furnished pursuant to ~~the provisions of~~ this section shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

Approved March 8, 1983

CHAPTER 251

SENATE BILL NO. 2026
(Committee on Appropriations)

INSURANCE PREMIUM TAX DISTRIBUTION

AN ACT making an appropriation for the payment of insurance premium taxes to fire departments; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to the distribution of such premium taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the state fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$4,811,500, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments, for the biennium beginning July 1, 1983, and ending June 30, 1985.

SECTION 2. AMENDMENT. Section 18-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-04-05. Amount due cities, rural fire protection districts, or rural fire departments - Certificate of commissioner of insurance to office of management and budget - Appropriation. The commissioner of insurance shall compute the amounts due to the several cities, townships, certified rural fire departments, or fire protection districts entitled to benefits under this chapter, and shall certify such amounts for payment to the office of management and budget on or before June first of each year, in the following manner:

1. To cities not within the boundaries of a fire protection district, a sum equal to two and one-fourth percent of the premiums received by insurance companies issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance on property in such cities.
2. To each city fire department performing service outside of its incorporated limits, the sum of one hundred dollars.

3. To each rural fire department not certified by the state fire marshal, the sum of two hundred dollars per year.
4. To each rural fire protection district organized within the provisions of this title or rural fire department certified by the state fire marshal, two hundred dollars plus a sum equal to two and one-fourth percent of the premiums, excluding crop hail insurance premiums received by insurance companies issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance on property within the boundaries of such rural fire protection districts or property served by certified rural fire departments.

There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section. The amount distributed by the commissioner of insurance pursuant to this section shall not exceed the amount of the biennial appropriation made by the legislative assembly. Payments by the commissioner of insurance in any fiscal year shall not exceed one-half of the biennial appropriation made by the legislative assembly. If the appropriation is less than the amount determined by applying the formula pursuant to this section, proration shall be made by the commissioner of insurance that provides each eligible recipient the same proportion of the appropriation as the percent of the total funds it would have received pursuant to such formula.

SECTION 3. INTENT, REPEAL, PURPOSE, AND CONSTRUCTION. All Acts and parts of Acts that may be in conflict herewith are hereby repealed and if for any reason any specific appropriation for any item or set of items should be held by the courts to be unconstitutional or illegal or otherwise unavailable for any cause, such holding shall not affect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

Approved April 13, 1983

CHAPTER 252

HOUSE BILL NO. 1413
(Kloubec)

FIREMAN DEFINED

AN ACT to amend and reenact section 18-11-03 of the North Dakota Century Code, relating to the definition of "fireman".

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-11-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-03. "Fireman" defined. For purposes of this chapter, the term "fireman" ~~shall mean~~ means any person who is regularly entered on the payroll of the department serving on active duty and engaged in the hazards of firefighting, but does not include a probationary or a substitute fireman or any person employed irregularly by the fire department. For cities having a population in excess of sixty thousand, the term "fireman" includes probationary firemen.

Approved March 14, 1983