

SENATE BILL NO. 138

INTRODUCED BY K. HANSEN

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INSURANCE LAWS RELATED TO FIRE PROTECTION; DIRECTING THE COMMISSIONER OF INSURANCE TO ESTABLISH A PROGRAM OF EDUCATION AND TRAINING TO ASSIST HOMEOWNERS IN PROTECTING THEIR PROPERTY FROM WILDLAND FIRE; PROVIDING FOR PROPERTY INSURANCE PREMIUM DISCOUNTS FOR PROPER FIRE HAZARD MITIGATION AND FIRE PROTECTION ACTIVITIES; AND AMENDING SECTIONS 33-1-311 AND 33-24-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-1-311, MCA, is amended to read:

"33-1-311. General powers and duties. (1) The commissioner shall enforce the applicable provisions of the laws of this state and shall execute the duties imposed on the commissioner by the laws of this state.

(2) The commissioner has the powers and authority expressly conferred upon the commissioner by or reasonably implied from the provisions of the laws of this state.

(3) The commissioner shall administer the department to ensure that the interests of insurance consumers are protected.

(4) The commissioner may conduct examinations and investigations of insurance matters, in addition to examinations and investigations expressly authorized, as the commissioner considers proper, to determine whether any person has violated any provision of the laws of this state or to secure information useful in the lawful administration of any provision. The cost of additional examinations and investigations must be borne by the state.

(5) The commissioner shall maintain as confidential any information or document received from:

(a) the national association of insurance commissioners; or

(b) an insurance department from another state, a federal agency, or a foreign government that treats the same information or document as confidential. The commissioner may provide information or documents, including information or documents that are confidential, to the national association of insurance commissioners, a state or federal law enforcement agency, a federal agency, a foreign government, or an insurance department

1 in another state, if the recipient agrees to maintain the confidentiality of the information or documents.

2 (6) The department is a criminal justice agency as defined in 44-5-103.

3 (7) The commissioner shall establish a program of education and training to assist homeowners in
4 protecting their property from wildland fire. The program may include educational material and home
5 inspections."

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7 **Section 2.** Section 33-24-102, MCA, is amended to read:

8 **"33-24-102. Insuring improvements -- insurance equal to true value -- premium discounts. (1)**

9 ~~Whenever any~~ If a policy of insurance ~~shall be~~ is written to insure any improvements upon real property in this
10 state against loss or damage and the property insured is considered to be a total loss, without criminal fault on
11 the part of the insured or ~~his~~ the insured's assigns, the amount of insurance written in ~~such the~~ the policy ~~shall~~ must
12 be taken conclusively to be the true value of the property insured and the true amount of loss and measure of
13 damages. The payment of money as a premium for insurance ~~shall be~~ is prima facie evidence that the party
14 paying ~~such the~~ the insurance premium is the owner of the property insured; ~~provided~~ However, that any an
15 insurance company may ~~set up~~ claim fraud in obtaining the policy as a defense to a suit ~~thereon~~ on the policy.

16 (2) A property insurer shall offer premium discounts, approved by the commissioner, to the owners of
17 property for proper fire hazard mitigation and fire protection activities."

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