

government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 29, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

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CHAPTER 80

[Senate Bill No. 2727]

ARSON REPORTING IMMUNITY ACT

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This chapter shall be known and may be cited as the Arson Reporting Immunity Act.

NEW SECTION. Sec. 2. As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following agencies:

- (a) The state fire marshal;
  - (b) The prosecuting attorney of the county where the fire occurred;
  - (c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;
  - (d) The Federal Bureau of Investigation, or any other federal agency;
- and
- (e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

NEW SECTION. Sec. 3. (1) Any authorized agency may request, in writing, that an insurer release to the agency any or all relevant information or evidence which the insurer may have in its possession relating to a particular fire loss, if such information or evidence is deemed important by the agency in its discretion. The information requested may include, without limitation:

(a) Pertinent insurance policy information relating 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; and

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence found in the investigation.

(2) An insurer receiving a request under subsection (1) of this section shall furnish to the agency within a reasonable time, orally or in writing, all relevant information requested.

NEW SECTION. Sec. 4. (1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the state fire marshal in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the state fire marshal under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

NEW SECTION. Sec. 5. An authorized agency receiving information under section 3 or 4 of this act may release or provide such information to any other authorized agencies.

NEW SECTION. Sec. 6. Any insurer providing information to an authorized agency or agencies under section 3 or 4 of this act may request that any authorized agency furnish to the insurer any or all relevant information possessed by the agency relating to the particular fire loss. The agency shall furnish within a reasonable time, not to exceed thirty days, the relevant information requested.

NEW SECTION. Sec. 7. Any insurer or person acting in its behalf or any authorized agency which releases information, whether oral or written, under section 3, 4, 5, or 6 of this act shall be immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the insurer or authorized agency against the insured is shown.

NEW SECTION. Sec. 8. (1) Any authorized agency or insurer which receives any information furnished as required by this chapter shall not make the information public until such time as its release is required in connection with a criminal or civil proceeding.

(2) Any authorized agency, through its personnel, may be required to testify in any litigation arising from a loss by fire which the agency has investigated or about which it has requested information, in which the insurer against the loss by fire is named as a party.

NEW SECTION. Sec. 9. This chapter does not preempt or preclude any county or municipality from enacting ordinances relating to fire prevention or control of arson.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

## CHAPTER 81

[Senate Bill No. 2753]

### PUBLIC ASSISTANCE VENDORS—PRESENTATION OF FINAL CHARGES

AN ACT Relating to public assistance; and amending section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160 are each amended to read as follows:

Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the department and the individual or group on a monthly basis and shall present their final charges not more than ~~((sixty))~~ one hundred twenty days after the termination of service. If the final charges are not presented within the ~~((sixty))~~ one hundred twenty-day period they shall not be a charge against the state unless previous extension in writing has been given by the department. Said ~~((sixty))~~ one hundred twenty-day period may also be extended by regulation, but only if required by applicable federal law or regulation, and to no more than the extension of time so required.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one, several, or all public assistance