

2022 -- H 7976

LC005459

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- OFFICE OF THE STATE FIRE MARSHAL

Introduced By: Representatives Casey, Chippendale, Noret, and Kennedy

Date Introduced: March 11, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-28.2-11 of the General Laws in Chapter 23-28.2 entitled "Office
2 of State Fire Marshal" is hereby amended to read as follows:

3 **23-28.2-11. Investigation of fires and attempted fires.**

4 (a) The state fire marshal, and/or any of the deputy state fire marshals or assistant state fire
5 marshals, may investigate any fire, or apparently attempted fire, and shall investigate the cause,
6 origin, and circumstances of every fire of suspicious origin, by which property has been damaged
7 or destroyed, or apparently attempted fire, and any fire where a fatality occurs as the result of the
8 fire and, so far as it is possible, determine the cause of the fire. The investigation shall begin
9 immediately after the occurrence of the fire, and local government officials shall cooperate
10 completely and assist the state fire marshal's office in all phases of the investigation.

11 (b) It shall be the responsibility of the local authority having jurisdiction to notify the state
12 fire marshal's office of any fire of suspicious or incendiary origin or where death may have resulted
13 from the fire. The fire marshal shall adopt notification procedures.

14 (c) The state fire marshal, and/or any of the deputy state fire marshals or assistant state fire
15 marshals, and/or municipal officials, including, without limitation, police, fire, and building
16 officials, shall prohibit any and all insurance adjusters, contractors, and restoration companies from
17 ~~engaging~~ entering onto the property where the fire occurred to engage in any solicitation or
18 inspection ~~or any physical presence on the premises under investigation until twenty four (24)~~
19 ~~hours after~~ of the fire loss without the consent of the owner or occupant of the property and not

1 [until such time as](#) either the municipal fire department and/or the state fire marshal, deputy state
2 fire marshal, or assistant state fire marshal releases control of the premises back to its legal owner(s)
3 or occupant(s), ~~unless the insurance adjuster, contractor, or restoration company is accompanied~~
4 ~~by, or acting with, permission of the premises' legal owner.~~

5 (d) Any insurance adjuster, contractor, or restoration company in violation of the
6 provisions of subsection (c) shall be subject to a civil penalty of one thousand dollars (\$1,000) for
7 each violation and may be subject to revocation of the appropriate professional license or
8 registration.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- OFFICE OF THE STATE FIRE MARSHAL

1 This act would provide that an insurance adjuster, contractor, or restoring company could
2 not enter onto property where a fire occurred and engage in any solicitation or inspection of the fire
3 loss without the consent of the owner or occupant, until such time as the state fire marshal or similar
4 entity releases control of the premises back to the legal owner or occupant of the premises.

5 This act would take effect upon passage.

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