

2017 -- S 0749

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LC002508  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HEALTH AND SAFETY -- DIVISION OF FIRE SAFETY

Introduced By: Senators P Fogarty, Nesselbush, Lombardi, Metts, and Ciccone

Date Introduced: April 12, 2017

Referred To: Senate Housing & Municipal Government

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  
2 "Division of Fire Safety" 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  
5 fire marshals, may investigate any fire, or apparently attempted fire, and shall investigate the  
6 cause, origin, and circumstances of every fire of suspicious origin, by which property has been  
7 damaged or destroyed, or apparently attempted fire, and any fire where a fatality occurs as the  
8 result of the fire and, so far as it is possible, determine the cause of the fire. The investigation  
9 shall begin immediately after the occurrence of the fire, and local government officials shall  
10 cooperate 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  
12 state fire marshal's office of any fire of suspicious or incendiary origin or where death may have  
13 resulted 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  
15 fire 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  
17 from engaging in any solicitation or inspection or any physical presence on the premises under  
18 investigation until twenty-four (24) hours after either the municipal fire department and/or the  
19 state fire marshal, deputy state fire marshal or assistant state fire marshal releases control of the

1 premises back to its legal owner(s) or occupant(s), unless the insurance adjuster, contractor, or  
2 restoration company is accompanied by, ~~and~~ or acting with, permission of the premises' legal  
3 owner.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HEALTH AND SAFETY -- DIVISION OF FIRE SAFETY

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1           This act would require state fire marshals and other public officials to prohibit insurance  
2 adjusters and other contractors from physical presence on the premises under investigation until  
3 twenty-four (24) hours after control of the premises is released to its owner or occupant unless  
4 accompanied by, or acting with, permission of the legal owner, and would provide penalties for  
5 violation.

6           This act would take effect upon passage.

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