

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 55  
PROPOSED COMMITTEE SUBSTITUTE H55-PCS40417-CK-11

Short Title: Fire Investigation Law Revisions.

(Public)

Sponsors:

Referred to:

February 7, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE INVESTIGATORY POWERS OF THE OFFICE OF THE STATE  
3 FIRE MARSHAL WITH RESPECT TO CERTAIN FIRE INVESTIGATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 79 of Chapter 58 of the General Statutes reads as rewritten:

6 "Article 79.

7 "Investigation of Fires and Inspection of Premises.

8 **"§ 58-79-1. Fires investigated; reports; records.**

9 The Director of the State Bureau of Investigation, through the State Bureau of Investigation,  
10 the Commissioner of Insurance, through the Office of the State Fire Marshal, and the chief of the  
11 fire department, or chief of police where there is no chief of the fire department, in municipalities  
12 and towns, and the county fire marshal and the sheriff of the county and the chief of the rural fire  
13 department where such fire occurs outside of a municipality, are hereby authorized to investigate  
14 the cause, origin, and circumstances of every fire occurring in such municipalities or counties in  
15 which property has been destroyed or damaged, and shall specially make investigation whether  
16 the fire was the result of carelessness or design. A preliminary investigation shall be made by the  
17 chief of fire department or chief of police, where there is no chief of fire department in  
18 municipalities, and by the county fire marshal and the sheriff of the county or the chief of the  
19 rural fire department where such fire occurs outside of a municipality, and must be begun within  
20 three days, exclusive of Sunday, of the occurrence of the fire, and either the Director of the State  
21 Bureau of Investigation, through the State Bureau of Investigation, or the Commissioner of  
22 Insurance, through the Office of the State Fire Marshal, shall have the right to supervise and  
23 direct the investigation ~~when he deems it expedient or necessary as determined by the official~~  
24 ~~who conducts the preliminary investigation. If the official who conducts the preliminary~~  
25 ~~investigation requests investigative assistance from a State agency, the Director of the State~~  
26 ~~Bureau of Investigation, through the State Bureau of Investigation, shall have the exclusive right~~  
27 ~~to supervise and direct investigations in cases involving death or serious bodily injury, first- or~~  
28 ~~second-degree arson, buildings owned or occupied by State or local government, and buildings~~  
29 ~~owned or leased by educational institutions, churches, or religious buildings.~~

30 ~~The officer making the investigation of fires shall forthwith notify the Director of the State~~  
31 ~~Bureau of Investigation, and must within one week of the occurrence of the fire furnish to the~~  
32 ~~Director of the State Bureau of Investigation a written statement of all facts relating to the cause~~  
33 ~~and origin of the fire, the kind, value and ownership of the property destroyed, and such other~~  
34 ~~information as is called for by the forms provided by the Director of the State Bureau of~~  
35 ~~Investigation. Departments capable of submitting the required information by the utilization of~~  
36 ~~computers and related equipment, by means of an approved format of standard punch cards,~~



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1 magnetic tapes or an approved telecommunications system, may do so in lieu of the submission  
2 of the written statement as provided for in this section. The Director of the State Bureau of  
3 Investigation shall keep in his office a record of all reports submitted pursuant to this section.  
4 These reports shall at all times be open to public inspection.

5 **"§ 58-79-5. Director of the State Bureau of Investigation and the Commissioner of**  
6 **Insurance, through the Office of the State Fire Marshal to make examination;**  
7 **arrests and prosecution.**

8 It is the duty of the Director of the State Bureau of Investigation and the Commissioner of  
9 Insurance, through the Office of the State Fire Marshal, to examine, or cause examination to be  
10 made, into the cause, circumstances, and origin of all fires occurring within the State to which  
11 ~~his~~their attention has been called in accordance with the provisions of G.S. 58-79-1, or by  
12 interested parties, by which property is accidentally or unlawfully burned, destroyed, or  
13 damaged, whenever in ~~his~~their judgment the evidence is sufficient, and to specially examine and  
14 decide whether the fire was the result of carelessness or the act of an incendiary. The Director of  
15 the State Bureau of Investigation and the Commissioner of Insurance, through the Office of the  
16 State Fire Marshal, shall, in person, by deputy or otherwise, fully investigate all circumstances  
17 surrounding such fire, and, when in ~~his~~their opinion such proceedings are necessary, take or  
18 cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to  
19 have means of knowledge in relation to the matters as to which an examination is ~~herein~~required  
20 to be made, and shall cause the same to be reduced in writing. If the Director of the State Bureau  
21 of ~~Investigation~~Investigation, the Commissioner of Insurance, through the Office of the State  
22 Fire Marshal, or any deputy appointed to conduct such ~~investigations, is~~investigations is of the  
23 opinion that there is evidence to charge any person or persons with the crime of arson, or other  
24 willful burning, or fraud in connection with the crime of arson or other willful burning, ~~he~~the  
25 Director may arrest with warrant or cause such person or persons to be arrested, charged with  
26 such offense, and prosecuted, and shall furnish to the district attorney of the district all such  
27 evidence, together with the names of witnesses and all other information ~~obtained by him,~~  
28 obtained, including a copy of all pertinent and material testimony taken in the case.

29 **"§ 58-79-10. Powers of the Director of the State Bureau of Investigation and the**  
30 **Commissioner of Insurance, through the Office of the State Fire Marshal, in**  
31 **investigations.**

32 The Director of the State Bureau of Investigation, the Commissioner of Insurance, through  
33 the Office of the State Fire Marshal, or ~~his deputy~~their deputies appointed to conduct such  
34 examination, ~~has~~have the powers of a trial justice for the purpose of summoning and compelling  
35 the attendance of witnesses to testify in relation to any matter which is by provisions of this  
36 Article a subject of inquiry and investigation, and may administer oaths and affirmations to  
37 persons appearing as witnesses before them. False swearing in any such matter or proceeding is  
38 perjury and shall be punished as such. The Director of the State Bureau of ~~Investigation~~  
39 Investigation, the Commissioner of Insurance, through the Office of the State Fire Marshal, or  
40 ~~his deputy~~has their deputies have authority at all times of the day or night, in performance of the  
41 duties imposed by the provisions of this Article, to enter upon and examine any building or  
42 premises where any fire has occurred, and other buildings and premises adjoining or near the  
43 same. All investigations held by or under the direction of the Director of the State Bureau of  
44 ~~Investigation~~Investigation, the Commissioner of Insurance, through the Office of the State Fire  
45 Marshal, or his deputytheir deputies may, in their discretion, be private, and persons other than  
46 those required to be present by the provisions of this Article may be excluded from the place  
47 where the investigation is held, and witnesses may be kept apart from each other and not allowed  
48 to communicate with each other until they have been examined.

49 **"§ 58-79-15. Failure to comply with summons or subpoena.**

50 The failure of a person to comply with a summons or subpoena of the Director of the State  
51 Bureau of ~~Investigation~~Investigation, the Commissioner of Insurance, through the Office of the

1 State Fire Marshal, or his deputy ~~their deputies~~ under G.S. 58-79-10 shall be brought before a  
2 court of record and punished as for contempt in the same manner as if ~~he~~ the person had failed  
3 to appear and testify before said court of record.

4 ...

5 **"§ 58-79-40. Insurance company to furnish information.**

6 (a) The chief of any municipal fire or police department, county fire marshal or sheriff,  
7 or special agent of the State Bureau of Investigation or the Office of the State Fire Marshal may  
8 request any insurance company investigating a fire loss of real or personal property to release  
9 any information in its possession relative to that loss. The company shall release the information  
10 and cooperate with any official authorized to request such information pursuant to this section.  
11 The information shall include, but is not limited to:

- 12 (1) Any insurance policy relevant to a fire loss under investigation and any  
13 application for such a policy;
- 14 (2) Policy premium payment records;
- 15 (3) History of previous claims made by the insured for fire loss;
- 16 (4) Material relating to the investigation of the loss, including statements of any  
17 person, proof of loss, and any other relevant evidence.

18 (b) If an insurance company (or insurance agency) has reason to suspect that a fire loss  
19 to its insured's real or personal property was caused by incendiary means, the company shall  
20 furnish the State Bureau of Investigation or the Office of the State Fire Marshal with all relevant  
21 material acquired during its investigation of the fire loss, cooperate with and take such action as  
22 may be requested of it by any law-enforcement agency, and permit any person ordered by a court  
23 to inspect any of its records pertaining to the policy and the loss.

24 (c) In the absence of fraud or malice, no insurance company (or insurance agency), or  
25 person who furnishes information on its behalf, shall be liable for damages in a civil action or  
26 subject to criminal prosecution for any oral or written statement made or any other action that is  
27 necessary to supply information required pursuant to this section.

28 (d) The officials and departmental and agency personnel receiving any information  
29 furnished pursuant to this section shall hold the information in confidence until such time as its  
30 release is required pursuant to a criminal or civil proceeding.

31 (e) Any official referred to in subsection (a) of this section may be required to testify as  
32 to any information in his possession regarding the fire loss of real or personal property in any  
33 civil action in which any person seeks recovery under a policy against an insurance company for  
34 the fire loss.

35 ...."

36 **SECTION 2.** This act becomes effective October 1, 2023.