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SENATE BILL 5436

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State of Washington

54th Legislature

1995 Regular Session

By Senators Prentice, Hale, Fraser, Wojahn, C. Anderson, Kohl, Sheldon, Franklin, Drew, Winsley, Wood, Rasmussen, Loveland, Deccio, Heavey, Snyder, Fairley, Oke and Spanel; by request of Insurance Commissioner

Read first time 01/23/95. Referred to Committee on Financial Institutions & Housing.

1 AN ACT Relating to insurer discrimination against victims of abuse;  
2 adding a new section to chapter 48.30 RCW; and adding a new section to  
3 chapter 19.86 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.30 RCW  
6 to read as follows:

7 (1) For purposes of this section, "abuse" means the occurrence of  
8 one or more of the following acts:

9 (a) Attempting to cause or intentionally, knowingly, or recklessly  
10 causing bodily injury, physical harm, rape, spousal sexual assault, or  
11 involuntary sexual intercourse with or without a deadly weapon;

12 (b) Placing another in fear of imminent physical harm by physical  
13 menace or stalking;

14 (c) The inflicting of false imprisonment; or

15 (d) Physically or sexually abusing minor children.

16 (2) No person or entity engaged in the business of insurance,  
17 including health care service contractors and health maintenance  
18 organizations, in this state shall, directly or indirectly,  
19 discriminate against any insured or applicant because that insured or

1 applicant is, has been, or may be the subject of abuse, or seeks, has  
2 sought, or has reason to seek medical or psychological treatment for  
3 abuse, protection from abuse, or shelter from abuse; or has a business  
4 relationship or shares a residence or property with a victim of abuse  
5 by:

6 (a) Denying; refusing to issue, renew, or reissue; or cancelling or  
7 otherwise terminating an insurance policy or restricting insurance  
8 coverage;

9 (b) Adding any surcharge or rating factor to the premium of an  
10 insurance policy;

11 (c) Excluding or limiting insurance coverage for losses by an  
12 insured as a result of abuse; or

13 (d) Denying a claim incurred by an insured as a result of abuse.

14 (3) This section does not prohibit insurance actions taken as a  
15 result of the actual claims experience of the insured or applicant, if  
16 those actions are consistent with those taken in situations not  
17 involving abuse.

18 (4) This section does not apply to persons committing abuse.

19 (5) For purposes of this section, a grievance procedure shall be  
20 adopted by the commissioner in rule.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.86 RCW  
22 to read as follows:

23 Any violation of section 1 of this act also constitutes a violation  
24 of RCW 19.86.020.

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