
SENATE BILL 6322

State of Washington 52nd Legislature 1992 Regular Session

By Senators Vognild, Owen and Moore

Read first time 01/24/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to Longshore and Harbor Workers' Compensation Act
2 insurance; amending RCW 48.32.020; adding new sections to chapter 48.22
3 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 48.32.020 and 1987 c 185 s 29 are each amended to read
6 as follows:

7 This chapter shall apply to all kinds of direct insurance, except
8 life, title, surety, disability, credit, mortgage guaranty, workers'
9 compensation included in the state of Washington industrial insurance
10 fund defined in RCW 51.08.175, and ocean marine insurance. However,
11 this chapter applies to workers' compensation insurance only if the
12 applicable order of liquidation is adjudicated on or after July 1,
13 1992.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.22 RCW
2 to read as follows:

3 Before July 1, 1992, the commissioner shall adopt rules
4 establishing a reasonable plan to insure that workers' compensation
5 coverage as required by the United States Longshoreman's and Harbor
6 Worker's Compensation Act, 33 U.S.C. Secs. 901 through 950, and
7 maritime employer's liability coverage incidental to the workers'
8 compensation coverage is available to those unable to purchase it
9 through the normal insurance market. This plan shall require the
10 participation of all authorized insurers writing primary and excess
11 workers' compensation insurance or reinsurance and the Washington state
12 industrial insurance fund as defined in RCW 51.08.175 in amounts
13 proportional to the premiums written by each of these entities. The
14 rules shall require that the plan use generally accepted actuarial
15 principles for rate making. An applicant for such insurance, a person
16 insured under the plan, an insurer, or the Washington state industrial
17 insurance fund affected by a ruling or decision of the manager or
18 committee designated to operate the plan may appeal to the commissioner
19 for resolution of a dispute.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.22 RCW
21 to read as follows:

22 Before April 15, 1992, the commissioner shall appoint a committee
23 to provide assistance in drafting the rules required by section 2 of
24 this act. After July 1, 1992, the committee shall assist the
25 commissioner in overseeing the operation of the plan. The committee
26 shall consist of at least eight members. The commissioner and the
27 director of the department of labor and industries shall be members.
28 The remaining members shall be selected to insure equal representation
29 of authorized insurers writing primary or excess workers compensation

1 insurance, insurance producers, organized labor, and maritime
2 employers.

3 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are
4 necessary for the immediate preservation of the public peace, health,
5 or safety, or support of the state government and its existing public
6 institutions, and shall take effect immediately.