

2 ESHB 1233 - S AMD 000828

3 By Senator Moore

4 ADOPTED 4/16/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** Unless the context clearly requires  
8 otherwise, the definitions in this section apply throughout this  
9 chapter.

10 (1) "Automobile" means a passenger car as defined in RCW 46.04.382  
11 registered or principally garaged in this state other than:

12 (a) A farm-type tractor or other self-propelled equipment designed  
13 for use principally off public roads;

14 (b) A vehicle operated on rails or crawler-treads;

15 (c) A vehicle located for use as a residence;

16 (d) A motor home as defined in RCW 46.04.305; or

17 (e) A moped as defined in RCW 46.04.304.

18 (2) "Bodily injury" means bodily injury, sickness, or disease,  
19 including death at any time resulting from the injury, sickness, or  
20 disease.

21 (3) "Income continuation benefits" means payments of at least  
22 eighty-five percent of the insured's loss of income from work, because  
23 of bodily injury sustained by him or her in the accident, less income  
24 earned during the benefit payment period. The benefit payment period  
25 begins fourteen days after the date of the accident and ends at the  
26 earliest of the following:

27 (a) The date on which the insured is reasonably able to perform the  
28 duties of his or her usual occupation;

29 (b) The expiration of not more than fifty-two weeks from the  
30 fourteenth day; or

31 (c) The date of the insured's death.

32 (4) "Insured automobile" means an automobile described on the  
33 declarations page of the policy.

34 (5) "Insured" means:

35 (a) The named insured or a person who is a resident of the named  
36 insured's household and is either related to the named insured by

1 blood, marriage, or adoption, or is the named insured's ward, foster  
2 child, or stepchild; or

3 (b) A person who sustains bodily injury caused by accident while:  
4 (i) Occupying or using the insured automobile with the permission of  
5 the named insured; or (ii) a pedestrian accidentally struck by the  
6 insured automobile.

7 (6) "Loss of services benefits" means reimbursement for payment to  
8 others, not members of the insured's household, for expenses reasonably  
9 incurred for services in lieu of those the insured would usually have  
10 performed for his or her household without compensation, provided the  
11 services are actually rendered, and ending the earliest of the  
12 following:

13 (a) The date on which the insured person is reasonably able to  
14 perform those services;

15 (b) The expiration of fifty-two weeks; or

16 (c) The date of the insured's death.

17 (7) "Medical and hospital benefits" means payments for all  
18 reasonable and necessary expenses incurred by or on behalf of the  
19 insured for injuries sustained as a result of an automobile accident  
20 for health care services provided by persons licensed under Title 18  
21 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and  
22 necessary ambulance, hospital, and professional nursing service.

23 (8) "Automobile liability insurance policy" means a policy insuring  
24 against loss resulting from liability imposed by law for bodily injury,  
25 death, or property damage suffered by any person and arising out of the  
26 ownership, maintenance, or use of an insured automobile.

27 (9) "Named insured" means the individual named in the declarations  
28 of the policy and includes his or her spouse if a resident of the same  
29 household.

30 (10) "Occupying" means in or upon or entering into or alighting  
31 from.

32 (11) "Pedestrian" means a natural person not occupying a motor  
33 vehicle as defined in RCW 46.04.320.

34 (12) "Personal injury protection" means the benefits described in  
35 sections 1 through 5 of this act.

36 NEW SECTION. **Sec. 2.** (1) No new automobile liability insurance  
37 policy or renewal of such an existing policy may be issued unless  
38 personal injury protection coverage benefits at limits established in

1 this chapter for medical and hospital expenses, funeral expenses,  
2 income continuation, and loss of services sustained by an insured  
3 because of bodily injury caused by an automobile accident are offered  
4 as an optional coverage.

5 (2) A named insured may reject, in writing, personal injury  
6 protection coverage and the requirements of subsection (1) of this  
7 section shall not apply. If a named insured has rejected personal  
8 injury protection coverage, that rejection shall be valid and binding  
9 as to all levels of coverage and on all persons who might have  
10 otherwise been insured under such coverage. If a named insured has  
11 rejected personal injury protection coverage, such coverage shall not  
12 be included in any supplemental, renewal, or replacement policy unless  
13 a named insured subsequently requests such coverage in writing.

14 NEW SECTION. **Sec. 3.** (1) Personal injury protection coverage need  
15 not be provided for vendor's single interest policies, general  
16 liability policies, or other policies, commonly known as umbrella  
17 policies, that apply only as excess to the automobile liability policy  
18 directly applicable to the insured motor vehicle.

19 (2) Personal injury protection coverage need not be provided to or  
20 on behalf of:

21 (a) A person who intentionally causes injury to himself or herself;

22 (b) A person who is injured while participating in a prearranged or  
23 organized racing or speed contest or in practice or preparation for  
24 such a contest;

25 (c) A person whose bodily injury is due to war, whether or not  
26 declared, or to an act or condition incident to such circumstances;

27 (d) A person whose bodily injury results from the radioactive,  
28 toxic, explosive, or other hazardous properties of nuclear material;

29 (e) The named insured or a relative while occupying a motor vehicle  
30 owned by the named insured or furnished for the named insured's regular  
31 use, if such motor vehicle is not described on the declaration page of  
32 the policy under which a claim is made;

33 (f) A relative while occupying a motor vehicle owned by the  
34 relative or furnished for the relative's regular use, if such motor  
35 vehicle is not described on the declaration page of the policy under  
36 which a claim is made; or

37 (g) An insured whose bodily injury results or arises from the  
38 insured's use of an automobile in the commission of a felony.

1        NEW SECTION.    **Sec. 4.**    Insurers providing automobile insurance  
2 policies must offer minimum personal injury protection coverage for  
3 each insured with maximum benefit limits as follows:

4        (1) Medical and hospital benefits of ten thousand dollars for  
5 expenses incurred within three years of the automobile accident;

6        (2) Benefits for funeral expenses in an amount of two thousand  
7 dollars;

8        (3) Income continuation benefits covering income losses incurred  
9 within one year after the date of the insured's injury in an amount of  
10 ten thousand dollars, subject to a limit of the lesser of two hundred  
11 dollars per week or eighty-five percent of the weekly income. The  
12 combined weekly payment receivable by the insured under any workers'  
13 compensation or other disability insurance benefits or other income  
14 continuation benefit and this insurance may not exceed eighty-five  
15 percent of the insured's weekly income;

16        (4) Loss of services benefits in an amount of five thousand  
17 dollars, subject to a limit of forty dollars per day not to exceed two  
18 hundred dollars per week; and

19        (5) Payments made under personal injury protection coverage are  
20 limited to the amount of actual loss or expense incurred.

21        NEW SECTION.    **Sec. 5.**    In lieu of minimum coverage required under  
22 section 4 of this act, an insurer providing automobile liability  
23 insurance policies shall offer and provide, upon request, personal  
24 injury protection coverage with benefit limits for each insured of:

25        (1) Up to thirty-five thousand dollars for medical and hospital  
26 benefits incurred within three years of the automobile accident;

27        (2) Up to two thousand dollars for funeral expenses incurred;

28        (3) Up to thirty-five thousand dollars for one year's income  
29 continuation benefits, subject to a limit of the lesser of seven  
30 hundred dollars per week or eighty-five percent of the weekly income;  
31 and

32        (4) Up to forty dollars per day for loss of services benefits, for  
33 up to one year from the date of the automobile accident.

34        Payments made under personal injury protection coverage are limited  
35 to the amount of actual loss or expense incurred.

36        NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act are each  
37 added to chapter 48.22 RCW.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act shall take  
6 effect July 1, 1994.

7 NEW SECTION. **Sec. 9.** The commissioner may adopt such rules as are  
8 necessary to implement sections 1 through 5 of this act."

9 **ESHB 1233** - S AMD  
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11  
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13 On page 1, line 2 of the title, after "insurance;" strike the  
14 remainder of the title and insert "adding new sections to chapter 48.22  
15 RCW; creating a new section; and providing an effective date."

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