

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1233**

53rd Legislature  
1993 Regular Session

Passed by the House April 20, 1993  
Yeas 97 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 16, 1993  
Yeas 35 Nays 10

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1233** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1233**

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AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson)

Read first time 02/10/93.

1            AN ACT Relating to mandatory offering of personal injury protection  
2 insurance; adding new sections to chapter 48.22 RCW; creating a new  
3 section; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) "Insured" means:

15 (a) The named insured or a person who is a resident of the named  
16 insured's household and is either related to the named insured by  
17 blood, marriage, or adoption, or is the named insured's ward, foster  
18 child, or stepchild; or

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

23 (6) "Loss of services benefits" means reimbursement for payment to  
24 others, not members of the insured's household, for expenses reasonably  
25 incurred for services in lieu of those the insured would usually have  
26 performed for his or her household without compensation, provided the  
27 services are actually rendered, and ending the earliest of the  
28 following:

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

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

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

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

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

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

8 (10) "Occupying" means in or upon or entering into or alighting  
9 from.

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

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

14 NEW SECTION. **Sec. 2.** (1) No new automobile liability insurance  
15 policy or renewal of such an existing policy may be issued unless  
16 personal injury protection coverage benefits at limits established in  
17 this chapter for medical and hospital expenses, funeral expenses,  
18 income continuation, and loss of services sustained by an insured  
19 because of bodily injury caused by an automobile accident are offered  
20 as an optional coverage.

21 (2) A named insured may reject, in writing, personal injury  
22 protection coverage and the requirements of subsection (1) of this  
23 section shall not apply. If a named insured has rejected personal  
24 injury protection coverage, that rejection shall be valid and binding  
25 as to all levels of coverage and on all persons who might have  
26 otherwise been insured under such coverage. If a named insured has  
27 rejected personal injury protection coverage, such coverage shall not  
28 be included in any supplemental, renewal, or replacement policy unless  
29 a named insured subsequently requests such coverage in writing.

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

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

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

1 (b) A person who is injured while participating in a prearranged or  
2 organized racing or speed contest or in practice or preparation for  
3 such a contest;

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

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

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

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

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

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

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

23 (2) Benefits for funeral expenses in an amount of two thousand  
24 dollars;

25 (3) Income continuation benefits covering income losses incurred  
26 within one year after the date of the insured's injury in an amount of  
27 ten thousand dollars, subject to a limit of the lesser of two hundred  
28 dollars per week or eighty-five percent of the weekly income. The  
29 combined weekly payment receivable by the insured under any workers'  
30 compensation or other disability insurance benefits or other income  
31 continuation benefit and this insurance may not exceed eighty-five  
32 percent of the insured's weekly income;

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

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

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

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

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

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

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

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

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

18        NEW SECTION.    **Sec. 7.**    If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

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

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

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