
HOUSE BILL 2020

State of Washington 55th Legislature 1997 Regular Session

By Representatives L. Thomas, Dyer, Zellinsky and DeBolt

Read first time 02/18/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to limiting actions for damages by certain persons;
2 adding a new chapter to Title 4 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** (1) Insurance costs have skyrocketed for
5 those Washingtonians who have taken responsibility for their actions.
6 Uninsured motorists, drunk drivers, and criminal felons are
7 lawbreakers, and should not be rewarded for their irresponsibility and
8 lawbreaking. However, under current laws, uninsured motorists and
9 drunk drivers are able to recover unreasonable damages from law-abiding
10 citizens as a result of drunk driving and other accidents, and
11 criminals have been able to recover damages from law-abiding citizens
12 for injuries suffered during the commission of their crimes.

13 (2) The legislature finds that a system that rewards individuals
14 who fail to take essential personal responsibility must be changed to
15 prevent irresponsible persons from seeking unreasonable damages or from
16 suing law-abiding citizens.

17 (3) The legislature intends to restore balance to our justice
18 system by limiting the right to sue of criminals, drunk drivers, and
19 uninsured motorists.

1 NEW SECTION. **Sec. 2.** In an action for damages based on
2 negligence, a person may not recover any damages if the plaintiff's
3 injuries were in any way proximately caused by the plaintiff's
4 commission of a felony, or immediate flight from a felony, and the
5 plaintiff has been duly convicted of that felony.

6 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (3) of
7 this section, in an action to recover damages arising out of the
8 operation or use of a motor vehicle, a person may not recover
9 noneconomic losses to compensate for pain, suffering, inconvenience,
10 physical impairment, disfigurement, and other nonpecuniary damages if
11 either or both of the following apply:

12 (a) The injured person was at the time of the accident operating
13 the vehicle in violation of RCW 46.61.502 and was convicted of that
14 offense; or

15 (b) The injured person was the owner of a vehicle involved in the
16 accident, the injured person has been cited in the past for not having
17 proof of liability insurance and the citation was not dismissed under
18 RCW 46.30.020, and the vehicle was not insured at the time of the
19 accident as required by chapter 46.30 RCW or could not establish
20 financial responsibility as required by chapter 46.29 RCW and RCW
21 46.30.020.

22 (2) Except as provided in subsection (3) of this section, an
23 insurer is not liable, directly or indirectly, under a policy of
24 liability or uninsured motorists coverage to indemnify for noneconomic
25 losses of a person injured as described in subsection (1) of this
26 section.

27 (3) If a person described in subsection (1)(b) of this section was
28 injured by a motorist who at the time of the accident was operating the
29 motorist's vehicle in violation of RCW 46.61.502, and was convicted of
30 that offense, the injured person is not barred from recovering
31 noneconomic losses to compensate for pain, suffering, inconvenience,
32 physical impairment, disfigurement, and other nonpecuniary damages.

33 NEW SECTION. **Sec. 4.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

5 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
6 a new chapter in Title 4 RCW.

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