
HOUSE BILL 2098

State of Washington

55th Legislature

1997 Regular Session

By Representative L. Thomas

Read first time 02/20/97. Referred to Committee on Financial
Institutions & Insurance.

1 AN ACT Relating to longshore and harbor workers' compensation
2 insurance; amending RCW 48.22.070; repealing 1995 c 327 s 2, 1993 c 177
3 s 3, & 1992 c 209 s 6 (uncodified); and declaring an emergency.

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

5 **Sec. 1.** RCW 48.22.070 and 1993 c 177 s 1 are each amended to read
6 as follows:

7 (1) (~~Before July 1, 1992,~~) The commissioner shall adopt rules
8 establishing a reasonable plan to insure that workers' compensation
9 coverage as required by the United States longshore and harbor workers'
10 compensation act, 33 U.S.C. Secs. 901 through 950, and maritime
11 employer's liability coverage incidental to the workers' compensation
12 coverage is available to those unable to purchase it through the normal
13 insurance market. This plan shall require the participation of all
14 authorized insurers writing primary or excess United States longshore
15 and harbor workers' compensation insurance in the state of Washington
16 and the Washington state industrial insurance fund as defined in RCW
17 51.08.175 which is authorized to participate in the plan and to make
18 payments in support of the plan in accordance with this section. Any
19 underwriting losses or surpluses incurred by the plan shall be

1 determined by the governing committee of the plan and shall be shared
2 by plan participants in accordance with the following ratios: The
3 state industrial insurance fund, fifty percent; and authorized insurers
4 writing primary or excess United States longshore and harbor workers'
5 compensation insurance, fifty percent.

6 (2) The Washington state industrial insurance fund may obtain or
7 provide reinsurance coverage for the plan created under subsection (1)
8 of this section the terms of which shall be negotiated between the
9 state fund and the plan. This coverage shall not be obtained or
10 provided if the commissioner determines that the premium to be charged
11 would result in unaffordable rates for coverage provided by the plan.
12 In considering whether excess of loss coverage premiums would result in
13 unaffordable rates for workers' compensation coverage provided by the
14 plan, the commissioner shall compare the resulting plan rates to those
15 provided under any similar pool or plan of other states (~~in existence~~
16 ~~prior to July 1, 1992~~)).

17 (3) An applicant for plan insurance, a person insured under the
18 plan, or an insurer, affected by a ruling or decision of the manager or
19 committee designated to operate the plan may appeal to the commissioner
20 for resolution of a dispute. In adopting rules under this section, the
21 commissioner shall require that the plan use generally accepted
22 actuarial principles for rate making.

23 NEW SECTION. Sec. 2. 1995 c 327 s 2, 1993 c 177 s 3, & 1992 c 209
24 s 6 (uncodified) are each repealed.

25 NEW SECTION. Sec. 3. This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

--- END ---