
SUBSTITUTE HOUSE BILL 2910

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives L. Thomas, Kessler, Zellinsky, Grant, Lisk, Anderson, Ballasiotes, Radcliff, DeBolt, Wensman, D. Schmidt, Scott, Doumit, McDonald, Cooke and O'Brien)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to insurance payments for insureds who are victims
2 of domestic abuse; and adding a new section to chapter 48.18 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.18 RCW
5 to read as follows:

6 (1) No insurer shall deny or refuse to accept an application for
7 insurance, refuse to insure, refuse to renew, cancel, restrict, or
8 otherwise terminate a policy of insurance, or charge a different rate
9 for the same coverage, on the basis that the applicant or insured
10 person is, has been, or may be a victim of domestic abuse.

11 (2) Nothing in this section shall prevent an insurer from taking
12 any of the actions set forth in subsection (1) of this section on the
13 basis of loss history or medical condition or for any other reason not
14 otherwise prohibited by this section, any other law, regulation, or
15 rule.

16 (3) Any form filed or filed after the effective date of this
17 section subject to RCW 48.18.120(1) or subject to a rule adopted under
18 RCW 48.18.120(1) may exclude coverage for losses caused by intentional
19 or fraudulent acts of any insured. Such an exclusion, however, shall

1 not apply to deny an insured's otherwise-covered property loss if the
2 property loss is caused by an act of domestic abuse by another insured
3 under the policy, the insured claiming property loss files a police
4 report and cooperates with any law enforcement investigation relating
5 to the act of domestic abuse, and the insured claiming property loss
6 did not cooperate in or contribute to the creation of the property
7 loss. Payment by the insurer to an insured may be limited to the
8 person's insurable interest in the property less payments made to a
9 mortgagee or other party with a legal secured interest in the property.
10 An insurer making payment to an insured under this section has all
11 rights of subrogation to recover against the perpetrator of the act
12 that caused the loss.

13 (4) Nothing in this section prohibits an insurer from investigating
14 a claim and complying with chapter 48.30A RCW.

15 (5) As used in this section, "domestic abuse" means: (a) Physical
16 harm, bodily injury, assault, or the infliction of fear of imminent
17 physical harm, bodily injury, or assault between family or household
18 members; (b) sexual assault of one family or household member by
19 another; (c) stalking as defined in RCW 9A.46.110 of one family or
20 household member by another family or household member; or (d)
21 intentionally, knowingly, or recklessly causing damage to property so
22 as to intimidate or attempt to control the behavior of another family
23 or household member.

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