

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2098**

55th Legislature  
1997 Regular Session

Passed by the House March 13, 1997  
Yeas 96 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 9, 1997  
Yeas 43 Nays 4

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**President of the Senate**

Approved

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

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2098** 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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HOUSE BILL 2098

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Passed Legislature - 1997 Regular Session

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.

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