
SENATE BILL 5468

State of Washington

59th Legislature

2005 Regular Session

By Senator Fairley

Read first time 01/26/2005. Referred to Committee on Financial Institutions, Housing & Consumer Protection.

1 AN ACT Relating to insurance requirements for motorcycles, motor-
2 driven cycles, and mopeds; amending RCW 46.30.020, 46.04.382,
3 48.22.005, and 48.22.030; and adding a new section to chapter 48.05
4 RCW.

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

6 **Sec. 1.** RCW 46.30.020 and 2003 c 221 s 1 are each amended to read
7 as follows:

8 (1)(a) No person may operate a motor vehicle subject to
9 registration under chapter 46.16 RCW in this state unless the person is
10 insured under a motor vehicle liability policy with liability limits of
11 at least the amounts provided in RCW 46.29.090, is self-insured as
12 provided in RCW 46.29.630, is covered by a certificate of deposit in
13 conformance with RCW 46.29.550, or is covered by a liability bond of at
14 least the amounts provided in RCW 46.29.090. Written proof of
15 financial responsibility for motor vehicle operation must be provided
16 on the request of a law enforcement officer in the format specified
17 under RCW 46.30.030.

18 (b) A person who drives a motor vehicle that is required to be
19 registered in another state that requires drivers and owners of

1 vehicles in that state to maintain insurance or financial
2 responsibility shall, when requested by a law enforcement officer,
3 provide evidence of financial responsibility or insurance as is
4 required by the laws of the state in which the vehicle is registered.

5 (c) When asked to do so by a law enforcement officer, failure to
6 display an insurance identification card as specified under RCW
7 46.30.030 creates a presumption that the person does not have motor
8 vehicle insurance.

9 (d) Failure to provide proof of motor vehicle insurance is a
10 traffic infraction and is subject to penalties as set by the supreme
11 court under RCW 46.63.110 or community restitution.

12 (2) If a person cited for a violation of subsection (1) of this
13 section appears in person before the court or a violations bureau and
14 provides written evidence that at the time the person was cited, he or
15 she was in compliance with the financial responsibility requirements of
16 subsection (1) of this section, the citation shall be dismissed and the
17 court or violations bureau may assess court administrative costs of
18 twenty-five dollars at the time of dismissal. In lieu of personal
19 appearance, a person cited for a violation of subsection (1) of this
20 section may, before the date scheduled for the person's appearance
21 before the court or violations bureau, submit by mail to the court or
22 violations bureau written evidence that at the time the person was
23 cited, he or she was in compliance with the financial responsibility
24 requirements of subsection (1) of this section, in which case the
25 citation shall be dismissed without cost, except that the court or
26 violations bureau may assess court administrative costs of twenty-five
27 dollars at the time of dismissal.

28 (3) The provisions of this chapter shall not govern(~~(+~~
29 ~~(a))~~) the operation of a motor vehicle registered under RCW
30 46.16.305(1), governed by RCW 46.16.020, or registered with the
31 Washington utilities and transportation commission as common or
32 contract carriers(~~(+ or~~

33 ~~(b) The operation of a motorcycle as defined in RCW 46.04.330, a~~
34 ~~motor driven cycle as defined in RCW 46.04.332, or a moped as defined~~
35 ~~in RCW 46.04.304)).~~

36 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
37 liability policies required by this chapter but only those certified
38 for the purposes stated in chapter 46.29 RCW.

1 **Sec. 2.** RCW 46.04.382 and 1963 c 154 s 29 are each amended to read
2 as follows:

3 "Passenger car" means every motor vehicle (~~((except motorcycles and~~
4 ~~motor driven cycles,))~~) designed for carrying ten passengers or less and
5 used for the transportation of persons.

6 **Sec. 3.** RCW 48.22.005 and 2003 c 115 s 1 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

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

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

17 ~~(e) A moped as defined in RCW 46.04.304))~~).

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

21 (3) "Income continuation benefits" means payments for the insured's
22 loss of income from work, because of bodily injury sustained by the
23 insured in an automobile accident, less income earned during the
24 benefit payment period. The combined weekly payment an insured may
25 receive under personal injury protection coverage, worker's
26 compensation, disability insurance, or other income continuation
27 benefits may not exceed eighty-five percent of the insured's weekly
28 income from work. The benefit payment period begins fourteen days
29 after the date of the automobile accident and ends at the earliest of
30 the following:

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

33 (b) Fifty-four weeks from the date of the automobile accident; or

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

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

37 (5) "Insured" means:

1 (a) The named insured or a person who is a resident of the named
2 insured's household and is either related to the named insured by
3 blood, marriage, or adoption, or is the named insured's ward, foster
4 child, or stepchild; or

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

9 (6) "Loss of services benefits" means reimbursement for payment to
10 others, not members of the insured's household, for expenses reasonably
11 incurred for services in lieu of those the insured would usually have
12 performed for his or her household without compensation, provided the
13 services are actually rendered. The maximum benefit is forty dollars
14 per day. Reimbursement for loss of services ends the earliest of the
15 following:

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

18 (b) Fifty-two weeks from the date of the automobile accident; or

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

20 (7) "Medical and hospital benefits" means payments for all
21 reasonable and necessary expenses incurred by or on behalf of the
22 insured for injuries sustained as a result of an automobile accident
23 for health care services provided by persons licensed under Title 18
24 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and
25 necessary ambulance, hospital, and professional nursing service.
26 Medical and hospital benefits are payable for expenses incurred within
27 three years from the date of the automobile accident.

28 (8) "Automobile liability insurance policy" means a policy insuring
29 against loss resulting from liability imposed by law for bodily injury,
30 death, or property damage suffered by any person and arising out of the
31 ownership, maintenance, or use of an insured automobile. An automobile
32 liability policy does not include:

33 (a) Vendors single interest or collateral protection coverage;

34 (b) General liability insurance; or

35 (c) Excess liability insurance, commonly known as an umbrella
36 policy, where coverage applies only as excess to an underlying
37 automobile policy.

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

4 (10) "Occupying" means in or upon or entering into or alighting
5 from.

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

8 (12) "Personal injury protection" means the benefits described in
9 this section and RCW 48.22.085 through 48.22.100. Payments made under
10 personal injury protection coverage are limited to the actual amount of
11 loss or expense incurred.

12 **Sec. 4.** RCW 48.22.030 and 2004 c 90 s 1 are each amended to read
13 as follows:

14 (1) "Underinsured motor vehicle" means a motor vehicle with respect
15 to the ownership, maintenance, or use of which either no bodily injury
16 or property damage liability bond or insurance policy applies at the
17 time of an accident, or with respect to which the sum of the limits of
18 liability under all bodily injury or property damage liability bonds
19 and insurance policies applicable to a covered person after an accident
20 is less than the applicable damages which the covered person is legally
21 entitled to recover.

22 (2) No new policy or renewal of an existing policy insuring against
23 loss resulting from liability imposed by law for bodily injury, death,
24 or property damage, suffered by any person arising out of the
25 ownership, maintenance, or use of a motor vehicle shall be issued with
26 respect to any motor vehicle registered or principally garaged in this
27 state unless coverage is provided therein or supplemental thereto for
28 the protection of persons insured thereunder who are legally entitled
29 to recover damages from owners or operators of underinsured motor
30 vehicles, hit-and-run motor vehicles, and phantom vehicles because of
31 bodily injury, death, or property damage, resulting therefrom, (~~except~~
32 ~~while operating or occupying a motorcycle or motor driven cycle, and~~)
33 except while operating or occupying a motor vehicle owned or available
34 for the regular use by the named insured or any family member, and
35 which is not insured under the liability coverage of the policy. The
36 coverage required to be offered under this chapter is not applicable to

1 general liability policies, commonly known as umbrella policies, or
2 other policies which apply only as excess to the insurance directly
3 applicable to the vehicle insured.

4 (3) Except as to property damage, coverage required under
5 subsection (2) of this section shall be in the same amount as the
6 insured's third party liability coverage unless the insured rejects all
7 or part of the coverage as provided in subsection (4) of this section.
8 Coverage for property damage need only be issued in conjunction with
9 coverage for bodily injury or death. Property damage coverage required
10 under subsection (2) of this section shall mean physical damage to the
11 insured motor vehicle unless the policy specifically provides coverage
12 for the contents thereof or other forms of property damage.

13 (4) A named insured or spouse may reject, in writing, underinsured
14 coverage for bodily injury or death, or property damage, and the
15 requirements of subsections (2) and (3) of this section shall not
16 apply. If a named insured or spouse has rejected underinsured
17 coverage, such coverage shall not be included in any supplemental or
18 renewal policy unless a named insured or spouse subsequently requests
19 such coverage in writing. The requirement of a written rejection under
20 this subsection shall apply only to the original issuance of policies
21 issued after July 24, 1983, and not to any renewal or replacement
22 policy.

23 (5) The limit of liability under the policy coverage may be defined
24 as the maximum limits of liability for all damages resulting from any
25 one accident regardless of the number of covered persons, claims made,
26 or vehicles or premiums shown on the policy, or premiums paid, or
27 vehicles involved in an accident.

28 (6) The policy may provide that if an injured person has other
29 similar insurance available to him under other policies, the total
30 limits of liability of all coverages shall not exceed the higher of the
31 applicable limits of the respective coverages.

32 (7)(a) The policy may provide for a deductible of not more than
33 three hundred dollars for payment for property damage when the damage
34 is caused by a hit-and-run driver or a phantom vehicle.

35 (b) In all other cases of underinsured property damage coverage,
36 the policy may provide for a deductible of not more than one hundred
37 dollars.

1 (8) For the purposes of this chapter, a "phantom vehicle" shall
2 mean a motor vehicle which causes bodily injury, death, or property
3 damage to an insured and has no physical contact with the insured or
4 the vehicle which the insured is occupying at the time of the accident
5 if:

6 (a) The facts of the accident can be corroborated by competent
7 evidence other than the testimony of the insured or any person having
8 an underinsured motorist claim resulting from the accident; and

9 (b) The accident has been reported to the appropriate law
10 enforcement agency within seventy-two hours of the accident.

11 ~~((9) An insurer who elects to write motorcycle or motor-driven
12 cycle insurance in this state must provide information to prospective
13 insureds about the coverage.))~~

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.05 RCW
15 to read as follows:

16 Any insurer licensed within the state of Washington that provides
17 motor vehicle liability policies, as provided under chapter 46.30 RCW
18 or motor vehicle casualty insurance policies, as provided in RCW
19 48.22.030, must offer such insurance coverage to all automobiles, as
20 defined in RCW 48.22.005, including, but not limited to motorcycles,
21 motor-driven cycles, and mopeds. For the purpose of this section
22 motorcycle, motor-driven cycle, and moped are defined as provided in
23 chapter 46.04 RCW.

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