
SUBSTITUTE SENATE BILL 5473

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Parlette, Pflug and Kohl-Welles)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to prohibiting civil or criminal liabilities or
2 penalties for actions related to the Washington state health insurance
3 pool; and amending RCW 48.41.190.

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

5 **Sec. 1.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read
6 as follows:

7 (~~Neither the participation by members, the establishment of rates,~~
8 ~~forms, or procedures for coverages issued by the pool, nor any other~~
9 ~~joint or collective action required by this chapter or the state of~~
10 ~~Washington shall be the basis of any legal action, civil or criminal~~
11 ~~liability or penalty against the pool, any member of the board of~~
12 ~~directors, or members of the pool either jointly or separately.)) The
13 pool, members of the pool, board directors of the pool, officers of the
14 pool, employees of the pool, the commissioner, the commissioner's
15 representatives, and the commissioner's employees shall not be civilly
16 or criminally liable and shall not have any penalty or cause of action
17 of any nature arise against them for any action taken or not taken,
18 including any discretionary decision or failure to make a discretionary
19 decision, when the action or inaction is done in good faith and in the~~

1 performance of the powers and duties under this chapter: PROVIDED,
2 HOWEVER, That nothing in this section shall prohibit legal actions
3 against the pool to enforce the pool's statutory or contractual duties
4 or obligations.

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