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HOUSE BILL 1827

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Anderson, Rodne, Nealey, and Angel

Read first time 02/04/11. Referred to Committee on Judiciary.

1            AN ACT Relating to uninsured motorists recovering damages in an  
2 accident; and adding a new section to chapter 46.29 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 46.29 RCW  
5 to read as follows:

6            (1) Except as provided in subsection (2) of this section:

7            (a) In an action to recover damages arising out of the operation or  
8 use of a motor vehicle, a person may not recover noneconomic losses to  
9 compensate for pain, suffering, inconvenience, physical impairment,  
10 disfigurement, and other nonpecuniary damages if either or both of the  
11 following apply:

12            (i) The injured person was at the time of the accident operating  
13 the vehicle in violation of RCW 46.61.502 and was convicted of that  
14 offense; or

15            (ii) The injured person was the owner of a vehicle involved in the  
16 accident, the injured person had been previously cited for not having  
17 proof of liability insurance and the citation was not dismissed under  
18 RCW 46.30.020, and the vehicle was not insured at the time of the

1 accident as required under chapter 46.30 RCW or the injured person  
2 could not establish financial responsibility as required under this  
3 chapter and RCW 46.30.020.

4 (b) An insurer is not liable, directly or indirectly, under a  
5 policy of liability or uninsured motorists coverage to indemnify for  
6 noneconomic losses of a person injured as described in (a) of this  
7 subsection.

8 (2) If a person described in subsection (1)(a)(ii) of this section  
9 was injured by a motorist who at the time of the accident was operating  
10 the motorist's vehicle in violation of RCW 46.61.502 and was convicted  
11 of that offense, the injured person is not barred from recovering  
12 noneconomic losses to compensate for pain, suffering, inconvenience,  
13 physical impairment, disfigurement, and other nonpecuniary damages.

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