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**SENATE BILL 5103**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Becker, Padden, Pearson, and O'Ban

AN ACT Relating to hearings involving the office of the insurance commissioner; reenacting and amending RCW 48.04.010; and adding a new section to chapter 48.04 RCW.

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

**Sec.**  RCW 48.04.010 and 2000 c 221 s 8 and 2000 c 79 s 1 are each reenacted and amended to read as follows:

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing:

(a) If required by any provision of this code; or

(b) Except under RCW 48.13.475, upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived.

(4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent.

(5) A ((~~licensee under this title may request that a~~)) hearing authorized under this ((~~section~~))title must be presided over by an administrative law judge assigned under chapter 34.12 RCW. ((~~Any such request shall not be denied.~~

~~(6) Any hearing held relating to RCW 48.20.025, 48.44.017, or 48.46.062 shall be presided over by an administrative law judge assigned under chapter 34.12 RCW.~~))It is the duty of the administrative law judge to issue a final decision including findings of fact and conclusions of law, which is appealable only to a superior court.

NEW SECTION. **Sec.**  A new section is added to chapter 48.04 RCW to read as follows:

(1) All state employees of the office of the insurance commissioner who have exclusively or principally conducted or presided over hearings prior to July 1, 2015, shall be transferred to the office of administrative hearings.

(2) All state employees of the office of the insurance commissioner who have exclusively or principally served as support staff for those employees transferred under subsection (1) of this section shall be transferred to the office of administrative hearings.

(3) All equipment or other tangible property in possession of the office of the insurance commissioner, used or held exclusively or principally by personnel transferred under subsection (1) or (2) of this section, shall be transferred to the office of administrative hearings unless the office of financial management, in consultation with the insurance commissioner and the chief administrative law judge, determines that the equipment or property will be more efficiently used by the office of the insurance commissioner if such property is not transferred.

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