
SENATE BILL 5103

State of Washington 64th Legislature 2015 Regular Session

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

Read first time 01/14/15. Referred to Committee on Law & Justice.

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

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

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

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

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

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

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

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

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

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

18 (~~Any hearing held relating to RCW 48.20.025, 48.44.017, or~~
19 ~~48.46.062 shall be presided over by an administrative law judge~~
20 ~~assigned under chapter 34.12 RCW.)) It is the duty of the
21 administrative law judge to issue a final decision including findings
22 of fact and conclusions of law, which is appealable only to a
23 superior court.~~

24 NEW SECTION. Sec. 2. A new section is added to chapter 48.04
25 RCW to read as follows:

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

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

35 (3) All equipment or other tangible property in possession of the
36 office of the insurance commissioner, used or held exclusively or
37 principally by personnel transferred under subsection (1) or (2) of
38 this section, shall be transferred to the office of administrative
39 hearings unless the office of financial management, in consultation

1 with the insurance commissioner and the chief administrative law
2 judge, determines that the equipment or property will be more
3 efficiently used by the office of the insurance commissioner if such
4 property is not transferred.

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