

SSB 5810 - H COMM AMD

By Committee on Consumer Protection & Business

ADOPTED 03/02/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.01
4 RCW to read as follows:

5 (1) It is the public policy of the state of Washington to promote
6 ready access to legal assistance and counsel for all citizens of the
7 state and to authorize that legal service contractors can issue legal
8 service plans to businesses and individuals in the state of
9 Washington.

10 (2) Legal service contractors are not insurers under RCW
11 48.01.050 and legal service plans are not insurance under RCW
12 48.01.040.

13 (3) This section does not in any way affect the practice of law
14 in this state.

15 (4) This section does not apply to or affect any of the following
16 arrangements:

17 (a) Retainer, fee, engagement, or representation agreements made
18 by an attorney or firm of attorneys with any person or group other
19 than a legal service contractor;

20 (b) Referral of individual clients to an attorney by a nonprofit
21 lawyer referral service or public corporation or entity such as state
22 or local bar association provided there is no fee or charge for such
23 referral;

24 (c) Employee welfare benefit plans to the extent that state law
25 or regulation is preempted by federal law or regulation;

26 (d) The provision of legal assistance to low or moderate-income
27 persons by nonprofit legal aid organizations or legal aid programs
28 affiliated with the Washington state bar association, a local bar
29 association, a law school accredited by the American bar association,
30 or a program operated in conjunction with a paralegal education
31 program approved by the American bar association; or

1 (e) Policies of insurance, or coverage incidental to such
2 insurance which may include legal defense, issued by an insurer
3 holding a valid certificate of authority in this state and issued
4 under applicable laws in this title pertaining to such insurance.

5 (5) For the purposes of this section:

6 (a) "Legal service contractor" means any person, entity, or group
7 of persons, including associations, who does not engage in the
8 practice of law or the business of insurance and who, for
9 consideration, provides members with access to legal services through
10 agreements with providing attorneys.

11 (b) "Legal service plan" or "plan" means an arrangement between a
12 legal service contractor and an individual or person or group of
13 individuals or persons, whereby specified legal services may be
14 provided to, or provided at discounted rates to members by providing
15 attorneys in consideration of a periodic payment that does not
16 constitute payment of attorney fees of any providing attorneys.

17 (c) "Member" means an individual, person, or group of individuals
18 or persons eligible to receive legal services under a legal service
19 plan.

20 (d) "Providing attorney" means an attorney licensed, in good
21 standing, and eligible to practice law in this state who provides
22 legal services under a providing attorney agreement in accordance
23 with the terms of the legal service plan, and pursuant to an
24 engagement agreement between the providing attorney and the member.

25 (e) "Providing attorney agreement" means a written contract or
26 agreement between a legal service contractor and a providing attorney
27 under which the providing attorney renders and provides legal
28 services to members of a legal service plan."

29 Correct the title.

EFFECT: Revises references to the public policy of Washington by removing provisions regarding the encouragement of programs and plans that promote arrangements between members of the public as consumers of legal services and lawyers who can provide legal assistance, and instead stating that it is the public policy of Washington to authorize that legal service contractors can issue legal service plans to businesses and individuals in Washington.

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