
HOUSE BILL 1266

State of Washington

68th Legislature

2023 Regular Session

By Representatives Santos, Corry, and Reeves

Read first time 01/12/23. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to the use of email by the office of the
2 insurance commissioner when communicating with licensees; amending
3 RCW 48.17.170, 48.17.450, 48.17.475, and 48.15.103; adding a new
4 section to chapter 48.02 RCW; providing an effective date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 48.17.170 and 2012 c 154 s 5 are each amended to
8 read as follows:

9 (1) Unless denied licensure under RCW 48.17.530, persons who have
10 met the requirements of RCW 48.17.090 and 48.17.110 shall be issued
11 an insurance producer license. An insurance producer may receive a
12 license in one or more of the following lines of authority:

13 (a) "Life," which is insurance coverage on human lives, including
14 benefits of endowment and annuities, and may include benefits in the
15 event of death or dismemberment by accident and benefits for
16 disability income;

17 (b) "Disability," which is insurance coverage for accident,
18 health, and disability or sickness, bodily injury, or accidental
19 death, and may include benefits for disability income;

20 (c) "Property," which is insurance coverage for the direct or
21 consequential loss or damage to property of every kind;

1 (d) "Casualty," which is insurance coverage against legal
2 liability, including that for death, injury, or disability or damage
3 to real or personal property;

4 (e) "Variable life and variable annuity products," which is
5 insurance coverage provided under variable life insurance contracts,
6 variable annuities, or any other life insurance or annuity product
7 that reflects the investment experience of a separate account;

8 (f) "Personal lines," which is property and casualty insurance
9 coverage sold to individuals and families for primarily noncommercial
10 purposes;

11 (g) Limited lines:

12 (i) Surety;

13 (ii) Limited line credit insurance;

14 (iii) Travel;

15 (h) Specialty lines:

16 (i) Portable electronics;

17 (ii) Rental car;

18 (iii) Self-service storage; or

19 (i) Any other line of insurance permitted under state laws or
20 rules.

21 (2) Unless denied licensure under RCW 48.17.530, persons who have
22 met the requirements of RCW 48.17.090(4) shall be issued a title
23 insurance agent license.

24 (3) All insurance producers', title insurance agents', and
25 adjusters' licenses issued by the commissioner shall be valid for the
26 time period established by the commissioner unless suspended or
27 revoked at an earlier date.

28 (4) Subject to the right of the commissioner to suspend, revoke,
29 or refuse to renew any insurance producer's, title insurance agent's,
30 or adjuster's license as provided in this title, the license may be
31 renewed into another like period by filing with the commissioner by
32 any means acceptable to the commissioner on or before the expiration
33 date a request, by or on behalf of the licensee, for such renewal
34 accompanied by payment of the renewal fee as specified in RCW
35 48.14.010.

36 (5) If the request and fee for renewal of an insurance
37 producer's, title insurance agent's, or adjuster's license are filed
38 with the commissioner prior to expiration of the existing license,
39 the licensee may continue to act under such license, unless sooner
40 revoked or suspended, until the issuance of a renewal license, or

1 until the expiration of (~~fifteen~~) 15 days after the commissioner
2 has refused to renew the license and has mailed notification of such
3 refusal to the licensee. If the request and fee for the license
4 renewal are not received by the expiration date, the authority
5 conferred by the license ends on the expiration date.

6 (6) If the request for renewal of an insurance producer's, title
7 insurance agent's, or adjuster's license and payment of the fee are
8 not received by the commissioner prior to the expiration date, the
9 applicant for renewal shall pay to the commissioner, in addition to
10 the renewal fee, a surcharge as follows:

11 (a) For the first (~~thirty~~) 30 days or part thereof of
12 delinquency, the surcharge is (~~fifty~~) 50 percent of the renewal
13 fee;

14 (b) For the next (~~thirty~~) 30 days or part thereof of
15 delinquency, the surcharge is (~~one hundred~~) 100 percent of the
16 renewal fee.

17 (7) If the request for renewal of an insurance producer's, title
18 insurance agent's, or adjuster's license and fee for the renewal are
19 received by the commissioner after (~~sixty~~) 60 days but prior to
20 (~~twelve~~) 12 months after the expiration date, the application is
21 for reinstatement of the license and the applicant for reinstatement
22 must pay to the commissioner the license fee and a surcharge of (~~two~~
23 ~~hundred~~) 200 percent of the license fee.

24 (8) Subsections (6) and (7) of this section do not exempt any
25 person from any penalty provided by law for transacting business
26 without a valid and subsisting license or appointment.

27 (9) An individual insurance producer, title insurance agent, or
28 adjuster who allows his or her license to lapse may, within
29 (~~twelve~~) 12 months after the expiration date, reinstate the same
30 license without the necessity of passing a written examination.

31 (10) A licensed insurance producer who is unable to comply with
32 license renewal procedures due to military service or some other
33 extenuating circumstance such as a long-term medical disability, may
34 request a waiver of those procedures. The producer may also request a
35 waiver of any examination requirement or any other fine or sanction
36 imposed for failure to comply with renewal procedures.

37 (11) The license shall contain the licensee's name, address,
38 personal identification number, and the date of issuance, lines of
39 authority, expiration date, and any other information the
40 commissioner deems necessary.

1 (12) Licensees shall inform the commissioner by any means
2 acceptable to the commissioner of a change of address and email
3 address within (~~thirty~~) 30 days of the change. Failure to timely
4 inform the commissioner of a change in legal name (~~(or)~~), address, or
5 email address, may result in a penalty under either RCW 48.17.530 or
6 48.17.560, or both.

7 **Sec. 2.** RCW 48.17.450 and 2007 c 117 s 22 are each amended to
8 read as follows:

9 (1) Every licensed insurance producer, title insurance agent, and
10 adjuster, other than an insurance producer licensed for life or
11 disability insurances only, shall have and maintain in this state,
12 or, if a nonresident insurance producer or title insurance agent, in
13 this state or in the state of the licensee's domicile, a place of
14 business accessible to the public. Such place of business shall be
15 that wherein the insurance producer or title insurance agent
16 principally conducts transactions under that person's licenses. A
17 licensee maintaining more than one place of business in this state
18 shall obtain a duplicate license or licenses for each additional such
19 place, and shall pay the full fee therefor.

20 (2) Any notice, order, or written communication from the
21 commissioner to a person licensed under this chapter which directly
22 affects the person's license shall be sent by mail to the person's
23 last address of record with the commissioner.

24 (3) Every insurance producer, title insurance agent, adjuster,
25 and other person licensed under this chapter shall provide the
26 commissioner with a current email address. The commissioner may send
27 a written communication by email to a licensee's last email address
28 of record with the commissioner if:

29 (a) The communication is not required to be sent to the person's
30 mailing address pursuant to subsection (2) of this section;

31 (b) The person has affirmatively consented to receive
32 communications from the commissioner by email; and

33 (c)(i) The email from the commissioner does not require a
34 response; or

35 (ii) If a response is required, the requirements under RCW
36 48.17.475(2)(b) are met prior to the commissioner sending the email.

37 **Sec. 3.** RCW 48.17.475 and 2007 c 117 s 25 are each amended to
38 read as follows:

1 (1) Every insurance producer, title insurance agent, adjuster, or
2 other person licensed under this chapter shall ((promptly reply))
3 timely respond in writing to an inquiry of the commissioner sent to a
4 person's mailing address relative to the business of insurance. A
5 timely response is one that is received by the commissioner within
6 ((fifteen)) 15 business days from receipt of the inquiry. Failure to
7 make a timely response constitutes a violation of this section and
8 may result in a penalty under either RCW 48.17.530 or 48.17.560, or
9 both.

10 (2)(a) Every insurance producer, title insurance agent, adjuster,
11 and other person licensed under this chapter shall timely respond in
12 writing to an inquiry of the commissioner sent to a person's email
13 address relative to the business of insurance. A timely response is
14 one that is received by the commissioner within 15 business days from
15 receipt of the inquiry. Failure to make a timely response constitutes
16 a violation of this subsection if the requirements under (c) of this
17 subsection are met.

18 (b)(i) When an email from the commissioner requires a response,
19 the commissioner shall:

20 (A) Send no fewer than two separate emails with a subject line
21 stating "Response Required"; and

22 (B) Prominently display in large font type in the body of each
23 email the following: "FAILURE TO TIMELY RESPOND TO THIS EMAIL IS A
24 VIOLATION OF RCW 48.17.475 AND IS SUBJECT TO PENALTIES UNDER RCW
25 48.17.530 AND 48.17.560 INCLUDING FINES AND LICENSE REVOCATION. A
26 TIMELY RESPONSE IS ONE RECEIVED BY THE COMMISSIONER WITHIN 15
27 BUSINESS DAYS OF YOUR RECEIPT OF THIS INQUIRY."

28 (ii) If the commissioner sends an inquiry by email and is
29 notified that the email is undeliverable, the commissioner shall
30 resend the notice once by mail to the person's last known address on
31 record with the commissioner.

32 (c) A person is in violation of this subsection only if: (i) The
33 commissioner complies with the requirements under (b) of this
34 subsection; (ii) the commissioner sends a third and final written
35 inquiry by certified mail to the person's last mailing address
36 registered with the commissioner that follows the requirements of
37 (b)(i)(B) of this subsection; and (iii) the commissioner fails to
38 receive a response within 15 business days of the licensee's receipt
39 of the inquiry.

1 **Sec. 4.** RCW 48.15.103 and 2009 c 162 s 6 are each amended to
2 read as follows:

3 (1) A surplus line broker doing business under any name other
4 than the surplus line broker's legal name is required to register the
5 name in accordance with chapter 19.80 RCW and notify the commissioner
6 before using the assumed name.

7 (2) Every licensed surplus line broker shall have and maintain in
8 this state, or, if a nonresident surplus line broker, in this state
9 or in the state of the licensee's domicile, a place of business
10 accessible to the public. The place of business is where the surplus
11 line broker principally conducts transactions under that person's
12 license. A licensee maintaining more than one place of business in
13 this state shall obtain a duplicate license or licenses for each
14 additional place, and shall pay the full fee therefor.

15 (3) Every licensed surplus line broker and other person licensed
16 under this chapter shall provide the commissioner with a current
17 email address and update the commissioner within 30 days of any
18 change in email address. The commissioner may send a written
19 communication by email to a licensee's last email address of record
20 with the commissioner if:

21 (a) The communication is not required to be sent to the person's
22 mailing address pursuant to subsection (4) of this section;

23 (b) The person has affirmatively consented to receive
24 communications from the commissioner by email; and

25 (c) (i) The email from the commissioner does not require a
26 response; or

27 (ii) If a response is required, the requirements under subsection
28 (8)(b) of this section are met prior to the commissioner sending the
29 email.

30 (4) Any notice, order, or written communication from the
31 commissioner to a person licensed under this chapter which directly
32 affects the person's license shall be sent by mail to the person's
33 last address of record with the commissioner.

34 ~~((4))~~ (5) The license or licenses of each surplus line broker
35 shall be displayed in a conspicuous place in that part of the place
36 of business which is customarily open to the public.

37 ~~((5))~~ (6) If a surplus line broker is dealing directly with the
38 insured in any capacity, the surplus line broker must comply with the
39 disclosure requirements contained in RCW 48.17.270.

1 ~~((6))~~ (7) Every surplus line broker or other person licensed
2 under this chapter shall ~~((promptly reply))~~ timely respond in writing
3 to an inquiry of the commissioner sent to the person's mailing
4 address relative to the business of insurance. A timely response is
5 one that is received by the commissioner within ~~((fifteen))~~ 15
6 business days from receipt of the inquiry. Failure to make a timely
7 response constitutes a violation of this section and may result in a
8 penalty under RCW 48.17.530 or 48.17.560.

9 ~~((7))~~ (8) (a) A surplus line broker or other person licensed
10 under this chapter shall timely respond in writing to an inquiry of
11 the commissioner sent to the person's email address relative to the
12 business of insurance. A timely response is one that is received by
13 the commissioner within 15 business days from receipt of the inquiry.
14 Failure to make a timely response constitutes a violation of this
15 subsection if the requirements of (c) of this subsection are met.

16 (b) (i) When an email from the commissioner requires a response in
17 accordance with this subsection, the commissioner shall:

18 (A) Send no fewer than two separate emails with a subject line
19 stating "Response Required"; and

20 (B) Prominently display in large font type in the body of each
21 email the following: "FAILURE TO TIMELY RESPOND TO THIS EMAIL IS A
22 VIOLATION OF RCW 48.15.103 AND IS SUBJECT TO PENALTIES UNDER RCW
23 48.15.140 AND 48.17.560 INCLUDING FINES AND LICENSE REVOCATION. A
24 TIMELY RESPONSE IS ONE RECEIVED BY THE COMMISSIONER WITHIN 15
25 BUSINESS DAYS OF YOUR RECEIPT OF THIS INQUIRY."

26 (ii) If the commissioner sends an inquiry by email and is
27 notified that the email is undeliverable, the commissioner shall
28 resend the notice once by mail to the person's last known address on
29 record with the commissioner.

30 (c) A person is only in violation of this section if: (i) The
31 commissioner complies with the requirements in (b) of this
32 subsection; (ii) the commissioner sends a third and final written
33 inquiry by certified mail to the person's last mailing address
34 registered with the commissioner that follows the requirements of
35 (b) (i) (B) of this subsection; and (iii) the commissioner fails to
36 receive a response within 15 business days of the licensee's receipt
37 of the inquiry.

38 (9) A surplus line broker shall report to the commissioner any
39 administrative action taken against the surplus line broker in
40 another jurisdiction or by another governmental agency in this state

1 within (~~(thirty)~~) 30 days of the final disposition of the matter.
2 This report must include a copy of the order, consent to order, or
3 other relevant legal documents.

4 (~~(8)~~) (10) Within (~~(thirty)~~) 30 days of the initial pretrial
5 hearing date, a surplus line broker shall report to the commissioner
6 any criminal prosecution of the surplus line broker taken in any
7 jurisdiction. The report must include a copy of the initial complaint
8 filed, the order resulting from the hearing, and any other relevant
9 legal documents.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.02
11 RCW to read as follows:

12 (1) The commissioner shall develop and implement a process for an
13 affected licensee to petition the commissioner for the removal of any
14 disciplinary investigations and orders on the affected licensee's
15 public disciplinary record related to an email-based violation of RCW
16 48.15.103 or 48.17.475 as those sections existed prior to July 1,
17 2023. An affected licensee who petitions the commissioner shall
18 provide documentation demonstrating that the disciplinary
19 investigations and orders on the affected licensee's record were the
20 result of an email-based violation of RCW 48.15.103 or 48.17.475 as
21 those sections existed prior to July 1, 2023. Upon receipt of a
22 petition with appropriate documentation, the commissioner shall
23 immediately:

24 (a) Remove any related disciplinary investigations and orders
25 from the affected licensee's public disciplinary record;

26 (b) Send a notice to the national insurance producer registry
27 that the commissioner erroneously took administrative action against
28 the affected licensee and request that the national insurance
29 producer registry expunge any related record of the administrative
30 action from the affected licensee's history; and

31 (c) Send to the affected licensee, by certified mail, a copy of
32 the commissioner's notice to the national insurance producer
33 registry.

34 (2) The commissioner shall identify the amount of money collected
35 as fines from each affected licensee for email-based violations of
36 RCW 48.15.103 or 48.17.475 as those sections existed prior to July 1,
37 2023, and, as soon as practicable, refund such money to each affected
38 licensee from the existing operating budget for the commissioner's
39 office.

1 (3) As used in this section:

2 (a) "Affected licensee" means any licensee regulated by the
3 commissioner who was penalized by the commissioner for an email-based
4 violation of RCW 48.15.103 or 48.17.475 as those sections existed
5 prior to July 1, 2023.

6 (b) "Email-based violation" means a violation of RCW 48.15.103 or
7 48.17.475, as those sections existed prior to July 1, 2023, resulting
8 from an affected licensee's failure to provide a timely response to
9 an inquiry of the commissioner where such inquiry was only sent to
10 the affected licensee by email.

11 NEW SECTION. **Sec. 6.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect July 1, 2023.

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