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**SENATE BILL 5331**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Cortes, Frame, Hasegawa, Kauffman, Lovelett, Lovick, Nobles, Orwall, Stanford, Trudeau, and C. Wilson; by request of Insurance Commissioner

AN ACT Relating to strengthening consumer protection through increased insurer accountability for violations of the insurance code; and amending RCW 48.02.080 and 48.05.185.

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

**Sec.**  RCW 48.02.080 and 2009 c 549 s 7005 are each amended to read as follows:

(1) The commissioner may prosecute an action in any court of competent jurisdiction to enforce any order made by him or her pursuant to any provision of this code.

(2) If the commissioner has cause to believe that any person has violated any penal provision of this code or of other laws relating to insurance he or she shall certify the facts of the violation to the public prosecutor of the jurisdiction in which the offense was committed.

(3) If the commissioner has cause to believe that any person is violating or is about to violate any provision of this code or any regulation or order of the commissioner, he or she may:

(a) ((~~issue~~)) Issue a cease and desist order; ((~~and/or~~))

(b) ((~~bring~~)) Bring an action in any court of competent jurisdiction to enjoin the person from continuing the violation or doing any action in furtherance thereof;

(c) Order the payment of restitution as provided in subsection (5) of this section; or

(d) Any combination of (a), (b), and (c) of this subsection.

(4) The attorney general and the several prosecuting attorneys throughout the state shall prosecute or defend all proceedings brought pursuant to the provisions of this code when requested by the commissioner.

(5) The commissioner may order payment of restitution when a person regulated under this code possesses or controls, directly or indirectly, such fees, money, funds, or other property that belongs to, is due to, or is owed to another person. After hearing or with the consent of the person, the commissioner may order such person to pay restitution to any person entitled to restitution in the form of fees, money, funds, or other property. Restitution shall be paid with eight percent simple interest from the date the obligation arose. Any restitution ordered by the commissioner must be paid to the person to whom it is due within 30 days of the date of the order.

**Sec.**  RCW 48.05.185 and 1980 c 102 s 1 are each amended to read as follows:

After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than ((~~two hundred fifty dollars~~)) $250 and not more than ((~~ten thousand dollars~~)) $10,000 per violation. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than ((~~fifteen~~)) 15 nor more than ((~~thirty~~)) 30 days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought ((~~in~~)) on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

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