
SENATE BILL 5331

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

Read first time 01/17/25. Referred to Committee on Business, Financial Services & Trade.

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

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

5 **Sec. 1.** RCW 48.02.080 and 2009 c 549 s 7005 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

18 **Sec. 2.** RCW 48.05.185 and 1980 c 102 s 1 are each amended to
19 read as follows:

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

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