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SENATE BILL 5683

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Williams and Pelz

Read first time 02/09/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to automobile insurance; adding a new section to  
2 chapter 48.30 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.30 RCW  
5 to read as follows:

6 (1) The credit history of an applicant for, or holder of, an  
7 automobile insurance policy shall not be used as a factor by the  
8 insurer in determining the eligibility or rates of the applicant or  
9 policyholder for such insurance. "Credit history" for the purpose of  
10 this section, shall be limited to the financial information on a  
11 consumer credit report, and shall not be construed to include health,  
12 driving record, or other nonfinancial information. This section shall  
13 not be construed to allow or encourage gathering of other than  
14 financial information on credit reports.

15 (2) Any person who violates this section is subject to a civil  
16 penalty not to exceed two hundred fifty dollars for each violation, to  
17 be assessed and collected in a civil action brought by the person  
18 paying with a credit card, by the attorney general, or by the  
19 prosecuting or city attorney of the county or city in which the

1 violation occurred. However, no civil penalty shall be assessed for a  
2 violation of this section if the defendant shows by a preponderance of  
3 the evidence that the violation was not intentional and resulted from  
4 a bona fide error made notwithstanding the defendant's maintenance of  
5 procedures reasonably adopted to avoid such an error.

6 (3) The attorney general, or any prosecuting or city attorney  
7 within his or her respective jurisdiction, may bring an action in the  
8 superior court in the name of the people of the state of Washington to  
9 enjoin violation of subsection (1) of this section and, upon notice to  
10 the defendant of not less than five days, to temporarily restrain and  
11 enjoin the violation. If it appears to the satisfaction of the court  
12 that the defendant has, in fact, violated subsection (1) of this  
13 section, the court may issue an injunction restraining further  
14 violations without requiring proof that any person has been damaged by  
15 the violation. In these proceedings, if the court finds that the  
16 defendant has violated subsection (1) of this section, the court may  
17 direct the defendant to pay any or all costs incurred by the attorney  
18 general, prosecuting or city attorney in seeking or obtaining  
19 injunctive relief pursuant to this subsection.

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