

---

ENGROSSED HOUSE BILL 1566

---

State of Washington

61st Legislature

2009 Regular Session

By Representatives Kirby, Williams, and Simpson; by request of Insurance Commissioner

Read first time 01/23/09. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to granting the insurance commissioner certain  
2 authority when the governor declares a state of emergency; and amending  
3 RCW 48.02.060.

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

5 **Sec. 1.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to  
6 read as follows:

7 (1) The commissioner (~~shall have~~) has the authority expressly  
8 conferred upon him or her by or reasonably implied from the provisions  
9 of this code.

10 (2) The commissioner shall execute his or her duties and shall  
11 enforce the provisions of this code.

12 (3) The commissioner may:

13 (a) Make reasonable rules (~~and regulations~~) for effectuating any  
14 provision of this code, except those relating to his or her election,  
15 qualifications, or compensation. (~~No such~~) Rules (~~and regulations~~  
16 ~~shall be~~) are not effective prior to their being filed for public  
17 inspection in the commissioner's office.

18 (b) Conduct investigations to determine whether any person has  
19 violated any provision of this code.

1 (c) Conduct examinations, investigations, hearings, in addition to  
2 those specifically provided for, useful and proper for the efficient  
3 administration of any provision of this code.

4 (4) When the governor proclaims a state of emergency under RCW  
5 43.06.010(12), the commissioner may issue an order that addresses any  
6 or all of the following matters related to insurance policies issued in  
7 this state:

8 (a) Reporting requirements for claims;

9 (b) Grace periods for payment of insurance premiums and performance  
10 of other duties by insureds;

11 (c) Temporary postponement of cancellations and renewals; and

12 (d) Medical coverage to ensure access to care.

13 (5) An order by the commissioner under subsection (4) of this  
14 section may remain effective for not more than thirty days unless the  
15 commissioner extends the termination date for the order for an  
16 additional period of not more than thirty days or for subsequent  
17 additional periods of not more than thirty days. The commissioner may  
18 extend the order if, in the commissioner's judgment, the circumstances  
19 warrant an extension. An order of the commissioner under subsection  
20 (4) of this section is not effective after the related state of  
21 emergency is terminated by proclamation of the governor under RCW  
22 43.06.210. The order must specify, by line of insurance:

23 (a) The geographic areas in which the order applies, which must be  
24 within but may be less extensive than the geographic area specified in  
25 the governor's proclamation of a state of emergency and must be  
26 specific according to an appropriate means of delineation, such as the  
27 United States postal service zip codes or other appropriate means; and

28 (b) The date on which the order becomes effective and the date on  
29 which the order terminates.

30 (6) The commissioner may adopt rules that establish general  
31 criteria for orders issued under subsection (4) of this section and may  
32 adopt emergency rules applicable to a specific proclamation of a state  
33 of emergency by the governor.

34 (7) The rule-making authority set forth in subsection (6) of this  
35 section does not limit or affect the rule-making authority otherwise  
36 granted to the commissioner by law.

--- END ---