
HOUSE BILL 1707

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kirby, Shea, Rodne, Pettigrew, Roach, and Kelley

Read first time 01/27/09. Referred to Committee on Judiciary.

1 AN ACT Relating to actions by insurance companies against
2 violators; and amending RCW 48.135.070.

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

4 **Sec. 1.** RCW 48.135.070 and 2006 c 284 s 8 are each amended to read
5 as follows:

6 (1) In a criminal prosecution for any crime under Washington law in
7 which the insurance company is a victim, the insurance company is
8 entitled to be considered as a victim in any restitution ordered by the
9 court under RCW 9.94A.753, as part of the criminal penalty imposed
10 against the defendant convicted for such a violation.

11 (2) Any insurance company damaged as the result of a violation by
12 the defendant may sue therefore in any court of competent jurisdiction
13 to recover compensatory damages, which shall include reasonable
14 investigation expenses, costs of suit, and attorneys' fees.

15 (3) A successful claimant under subsection (2) of this section
16 shall recover treble damages if the court determines that the defendant
17 has engaged in a pattern of violations.

18 (4) A claimant under this section shall mail a copy of the initial
19 claim, amended claim, counterclaims, briefs, and legal memoranda to the

1 commissioner at the time of filing of such documents with the court
2 wherein the matter is pending. A successful claimant shall report to
3 the commissioner, on a form prescribed by the commissioner, the amount
4 recovered and other information as required by the commissioner.

5 (5) Upon receipt of notification of the filing of a claim by an
6 insurer, the commissioner may join in the action for the purpose of
7 seeking judgment for the payment of a civil penalty. If the
8 commissioner prevails, the court may also award court costs and
9 reasonable attorney fees actually incurred by the commissioner.

10 (6) No action shall be brought by an insurance company under this
11 section more than six years after the cause of action has accrued.

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