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HOUSE BILL 1285

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State of Washington

54th Legislature

1995 Regular Session

By Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beeksma

Read first time 01/19/95. Referred to Committee on FINANCIAL INSTITUTIONS & INSURANCE.

1 AN ACT Relating to immunity for providing surplus line insurance  
2 information to the insurance commissioner; and amending RCW 48.01.190.

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

4 **Sec. 1.** RCW 48.01.190 and 1987 c 51 s 1 are each amended to read  
5 as follows:

6 (1) Any person who files reports, or furnishes other information,  
7 required under Title 48 RCW, required by the commissioner under  
8 authority granted by Title 48 RCW, useful to the commissioner in the  
9 administration of Title 48 RCW, or furnished to the National  
10 Association of Insurance Commissioners at the request of the  
11 commissioner or pursuant to Title 48 RCW, shall be immune from  
12 liability in any civil action or suit arising from the filing of any  
13 such report or furnishing such information to the commissioner or the  
14 National Association of Insurance Commissioners, unless actual malice,  
15 fraud, or bad faith is shown.

16 (2) The commissioner and the National Association of Insurance  
17 Commissioners, and the agents and employees of each, are immune from  
18 liability in any civil action or suit arising from the publication of  
19 any report or bulletin or dissemination of information related to the

1 official activities of the commissioner or the National Association of  
2 Insurance Commissioners, unless actual malice, fraud, or bad faith is  
3 shown.

4 (3) Any licensee under chapter 48.17 RCW and any trade association  
5 of the licensees under chapter 48.15 RCW, and any officer, director,  
6 employee, agent, or committee of the licensee or association who  
7 furnishes information to or for the commissioner or to or for the  
8 association regarding unauthorized insurers or regarding attempts by  
9 any person to place or actual placement by any person of business with  
10 the insurers, whether in compliance with chapter 48.15 RCW or not,  
11 shall be immune from each and every kind of liability in any civil  
12 action or suit arising in whole or in part from the information or from  
13 the furnishing of the information.

14 (4) The immunity granted by this section is in addition to any  
15 common law or statutory privilege or immunity enjoyed by such person,  
16 and nothing in this section is intended to abrogate or modify in any  
17 way such common law or statutory privilege or immunity.

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