
SENATE BILL 6565

State of Washington

55th Legislature

1998 Regular Session

By Senators Hale, Prentice, Winsley, Franklin, Long, Roach, Haugen, Stevens, Spanel, Wood, Rasmussen, T. Sheldon, Loveland, Benton, Johnson, Thibaudeau, McDonald, B. Sheldon, Snyder, Anderson, Oke and Goings

Read first time 01/21/98. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to insurance payments for insureds who are victims
2 of domestic abuse; and adding a new section to chapter 48.18 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.18 RCW
5 to read as follows:

6 (1) The legislature finds that insurance fraud is a significant
7 problem in the state of Washington and results in greater insurance
8 costs for all citizens. The legislature further finds that victims of
9 domestic abuse are sometimes excluded from insurance benefits because
10 of domestic abuse by another insured. It is the intent of the
11 legislature to prevent insurance fraud and protect victims of domestic
12 abuse from unfair discrimination when the victim is injured by acts of
13 domestic abuse by another insured.

14 (2) No insurer shall deny or refuse to accept an application for
15 insurance, refuse to insure, refuse to renew, cancel, restrict, or
16 otherwise terminate a policy of insurance, or charge a different rate
17 for the same coverage, on the basis that the applicant or insured
18 person is, has been, or may be a victim of domestic abuse.

1 (3) Nothing in this section shall prevent an insurer from taking
2 any of the actions set forth in subsection (2) of this section on the
3 basis of loss history or medical condition or for any other reason not
4 otherwise prohibited by this section, any other law, regulation, or
5 rule.

6 (4) Any form filed or filed after the effective date of this
7 section subject to RCW 48.18.120(1) or subject to a rule adopted under
8 RCW 48.18.120(1) may exclude coverage for losses caused by intentional
9 or fraudulent acts of any insured. Such an exclusion, however, shall
10 not apply to deny an insured's otherwise-covered property loss if the
11 property loss is caused by an act of domestic abuse by another insured
12 under the policy, the perpetrating insured is criminally charged for
13 the act, and the insured claiming property loss did not cooperate in or
14 contribute to the creation of the property loss. Payment by the
15 insurer to an insured may be limited to the person's insurable interest
16 in the property less payments made to a mortgagee or other party with
17 a legal secured interest in the property. An insurer making payment to
18 an insured under this section has all rights of subrogation to recover
19 against the perpetrator of the act that caused the loss.

20 (5) Nothing in this section prohibits an insurer from investigating
21 a claim and complying with chapter 48.30A RCW.

22 (6) As used in this section, "domestic abuse" means: (a) Physical
23 harm, bodily injury, assault, or the infliction of fear of imminent
24 physical harm, bodily injury, or assault between family or household
25 members; (b) sexual assault of one family or household member by
26 another; (c) stalking as defined in RCW 9A.46.110 of one family or
27 household member by another family or household member; or (d)
28 intentionally, knowingly, or recklessly causing damage to property so
29 as to intimidate or attempt to control the behavior of another person.

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