
SUBSTITUTE HOUSE BILL 2767

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Benson and Santos; by request of Insurance Commissioner)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to exempting certain insurance documents from the
2 filing requirements; and amending RCW 48.18.100.

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

4 **Sec. 1.** RCW 48.18.100 and 1997 c 428 s 3 are each amended to read
5 as follows:

6 (1) No insurance policy form other than surety bond forms, forms
7 exempt under RCW 48.18.103, or application form where written
8 application is required and is to be attached to the policy, or printed
9 life or disability rider or endorsement form shall be issued,
10 delivered, or used unless it has been filed with and approved by the
11 commissioner. This section shall not apply to policies, riders or
12 endorsements of unique character designed for and used with relation to
13 insurance upon a particular subject, or for a commercial property
14 casualty policyholder as defined in this section.

15 (2) Every such filing containing a certification, in a form
16 approved by the commissioner, by either the chief executive officer of
17 the insurer or by an actuary who is a member of the American academy of
18 actuaries, attesting that the filing complies with Title 48 RCW and
19 Title 284 of the Washington Administrative Code, may be used by such

1 insurer immediately after filing with the commissioner. The
2 commissioner may order an insurer to cease using a certified form upon
3 the grounds set forth in RCW 48.18.110. This subsection shall not
4 apply to certain types of policy forms designated by the commissioner
5 by rule.

6 (3) Except as provided in RCW 48.18.103, every filing that does not
7 contain a certification pursuant to subsection (2) of this section
8 shall be made not less than thirty days in advance of any such
9 issuance, delivery, or use. At the expiration of such thirty days the
10 form so filed shall be deemed approved unless prior thereto it has been
11 affirmatively approved or disapproved by order of the commissioner.
12 The commissioner may extend by not more than an additional fifteen days
13 the period within which he or she may so affirmatively approve or
14 disapprove any such form, by giving notice of such extension before
15 expiration of the initial thirty-day period. At the expiration of any
16 such period as so extended, and in the absence of such prior
17 affirmative approval or disapproval, any such form shall be deemed
18 approved. The commissioner may withdraw any such approval at any time
19 for cause. By approval of any such form for immediate use, the
20 commissioner may waive any unexpired portion of such initial thirty-day
21 waiting period.

22 (4) The commissioner's order disapproving any such form or
23 withdrawing a previous approval shall state the grounds therefor.

24 (5) No such form shall knowingly be so issued or delivered as to
25 which the commissioner's approval does not then exist.

26 (6) The commissioner may, by order or rule, exempt the form of any
27 policy sold to a commercial property casualty policyholder from the
28 filing requirements of this section (~~for so long as he or she deems~~
29 ~~proper, any insurance document or form or type thereof as specified in~~
30 ~~such order, to which in his or her opinion this section may not~~
31 ~~practicably be applied, or the filing and approval of which are, in his~~
32 ~~or her opinion, not desirable or necessary for the protection of the~~
33 ~~public)).~~

34 (7) Every member or subscriber to a rating organization shall
35 adhere to the form filings made on its behalf by the organization.
36 Deviations from such organization are permitted only when filed with
37 the commissioner in accordance with this chapter.

38 (8) For the purposes of this section, a "commercial property
39 casualty policyholder" is defined as an insured who uses the services

1 of an insurance agent or broker to purchase insurance, has a risk
2 manager, and certifies that it meets any two of the following four
3 criteria:

4 (a) Pays an annual aggregate insurance premium of one hundred fifty
5 thousand dollars;

6 (b) Generates annual net revenues or sales in excess of one hundred
7 million dollars;

8 (c) Employs two hundred or more people; and

9 (d) Possesses a net worth in excess of fifty million dollars.

10 (9) For the purposes of this section, a "risk manager" is an
11 employed, retained, or contracted person who is a licensed insurance
12 agent or broker in Washington state or has a professional insurance
13 designation allowing the person to serve in this capacity.

14 (10) Policies issued to a commercial property casualty policyholder
15 shall contain a disclaimer in language similar to the following: "This
16 policy is exempt from the form filing and approval requirements of the
17 Washington state insurance code (specifically RCW 48.18.100)."

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