
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5730

State of Washington

62nd Legislature

2012 Regular Session

By Senate Financial Institutions, Housing & Insurance (originally sponsored by Senator Rockefeller)

READ FIRST TIME 01/19/12.

1 AN ACT Relating to usage-based automobile insurance; and amending
2 RCW 48.19.040 and 42.56.400.

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

4 **Sec. 1.** RCW 48.19.040 and 1994 c 131 s 8 are each amended to read
5 as follows:

6 (1) Every insurer or rating organization shall, before using, file
7 with the commissioner every classifications manual, manual of rules and
8 rates, rating plan, rating schedule, minimum rate, class rate, and
9 rating rule, and every modification of any of the foregoing which it
10 proposes. The insurer need not so file any rate on individually rated
11 risks as described in subdivision (1) of RCW 48.19.030; except that any
12 such specific rate made by a rating organization shall be filed.

13 (2) Every such filing shall indicate the type and extent of the
14 coverage contemplated and must be accompanied by sufficient information
15 to permit the commissioner to determine whether it meets the
16 requirements of this chapter. An insurer or rating organization shall
17 offer in support of any filing:

18 (a) The experience or judgment of the insurer or rating
19 organization making the filing;

1 (b) An exhibit detailing the major elements of operating expense
2 for the types of insurance affected by the filing;

3 (c) An explanation of how investment income has been taken into
4 account in the proposed rates; and

5 (d) Any other information which the insurer or rating organization
6 deems relevant.

7 (3) If an insurer has insufficient loss experience to support its
8 proposed rates, it may submit loss experience for similar exposures of
9 other insurers or of a rating organization.

10 (4) Every such filing shall state its proposed effective date.

11 (5)(a) A filing made pursuant to this chapter shall be exempt from
12 the provisions of RCW 48.02.120(3). However, the filing and all
13 supporting information accompanying it shall be open to public
14 inspection only after the filing becomes effective, except as provided
15 in (b) of this subsection.

16 (b) For the purpose of this section, "usage-based insurance" means
17 private passenger automobile coverage that uses data gathered from any
18 recording device as defined in RCW 46.35.010, or a system, or business
19 method that records and preserves data arising from the actual usage of
20 a motor vehicle to determine rates or premiums. Information in a
21 filing of usage-based insurance about the usage-based component of the
22 rate is confidential and must be withheld from public inspection.

23 (6) Where a filing is required no insurer shall make or issue an
24 insurance contract or policy except in accordance with its filing then
25 in effect, except as is provided by RCW 48.19.090.

26 **Sec. 2.** RCW 42.56.400 and 2011 c 188 s 21 are each amended to read
27 as follows:

28 The following information relating to insurance and financial
29 institutions is exempt from disclosure under this chapter:

30 (1) Records maintained by the board of industrial insurance appeals
31 that are related to appeals of crime victims' compensation claims filed
32 with the board under RCW 7.68.110;

33 (2) Information obtained and exempted or withheld from public
34 inspection by the health care authority under RCW 41.05.026, whether
35 retained by the authority, transferred to another state purchased
36 health care program by the authority, or transferred by the authority

1 to a technical review committee created to facilitate the development,
2 acquisition, or implementation of state purchased health care under
3 chapter 41.05 RCW;

4 (3) The names and individual identification data of either all
5 owners or all insureds, or both, received by the insurance commissioner
6 under chapter 48.102 RCW;

7 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

8 (5) Information provided under RCW 48.05.510 through 48.05.535,
9 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600
10 through 48.46.625;

11 (6) Examination reports and information obtained by the department
12 of financial institutions from banks under RCW 30.04.075, from savings
13 banks under RCW 32.04.220, from savings and loan associations under RCW
14 33.04.110, from credit unions under RCW 31.12.565, from check cashers
15 and sellers under RCW 31.45.030(3), and from securities brokers and
16 investment advisers under RCW 21.20.100, all of which is confidential
17 and privileged information;

18 (7) Information provided to the insurance commissioner under RCW
19 48.110.040(3);

20 (8) Documents, materials, or information obtained by the insurance
21 commissioner under RCW 48.02.065, all of which are confidential and
22 privileged;

23 (9) Confidential proprietary and trade secret information provided
24 to the commissioner under RCW 48.31C.020 through 48.31C.050 and
25 48.31C.070;

26 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and
27 7.70.140 that, alone or in combination with any other data, may reveal
28 the identity of a claimant, health care provider, health care facility,
29 insuring entity, or self-insurer involved in a particular claim or a
30 collection of claims. For the purposes of this subsection:

31 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

32 (b) "Health care facility" has the same meaning as in RCW
33 48.140.010(6).

34 (c) "Health care provider" has the same meaning as in RCW
35 48.140.010(7).

36 (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

37 (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

- 1 (11) Documents, materials, or information obtained by the insurance
2 commissioner under RCW 48.135.060;
- 3 (12) Documents, materials, or information obtained by the insurance
4 commissioner under RCW 48.37.060;
- 5 (13) Confidential and privileged documents obtained or produced by
6 the insurance commissioner and identified in RCW 48.37.080;
- 7 (14) Documents, materials, or information obtained by the insurance
8 commissioner under RCW 48.37.140;
- 9 (15) Documents, materials, or information obtained by the insurance
10 commissioner under RCW 48.17.595;
- 11 (16) Documents, materials, or information obtained by the insurance
12 commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);
- 13 (17) Documents, materials, or information obtained by the insurance
14 commissioner in the commissioner's capacity as receiver under RCW
15 48.31.025 and 48.99.017, which are records under the jurisdiction and
16 control of the receivership court. The commissioner is not required to
17 search for, log, produce, or otherwise comply with the public records
18 act for any records that the commissioner obtains under chapters 48.31
19 and 48.99 RCW in the commissioner's capacity as a receiver, except as
20 directed by the receivership court;
- 21 (18) Documents, materials, or information obtained by the insurance
22 commissioner under RCW 48.13.151; (~~and~~)
- 23 (19) Data, information, and documents provided by a carrier
24 pursuant to section 1, chapter 172, Laws of 2010; and
- 25 (20) Information in a filing of usage-based insurance about the
26 usage-based component of the rate pursuant to RCW 48.19.040(5)(b).

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