

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5550**

64th Legislature  
2015 Regular Session

Passed by the Senate April 16, 2015  
Yeas 43 Nays 5

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**President of the Senate**

Passed by the House April 15, 2015  
Yeas 86 Nays 12

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5550** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5550

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AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington

64th Legislature

2015 Regular Session

By Senate Transportation (originally sponsored by Senators Habib and Fain)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to providers of commercial transportation  
2 services; amending RCW 51.12.020, 51.12.185, 48.22.030, 48.22.085,  
3 and 48.22.095; adding a new section to chapter 46.72 RCW; adding a  
4 new section to chapter 46.29 RCW; adding a new chapter to Title 48  
5 RCW; and repealing RCW 46.72.073, 46.72A.053, 51.12.180, 51.12.183,  
6 51.16.240, and 81.72.230.

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

8 NEW SECTION. **Sec. 1.** The definitions in this section apply  
9 throughout this chapter unless the context clearly requires  
10 otherwise.

11 (1) "Personal vehicle" means a vehicle that is used by a  
12 commercial transportation services provider driver in connection with  
13 providing services for a commercial transportation services provider  
14 and that is authorized by the commercial transportation services  
15 provider.

16 (2) "Prearranged ride" means a route of travel between points  
17 chosen by the passenger and arranged with a driver through the use of  
18 a commercial transportation services provider's digital network or  
19 software application. The ride begins when a driver accepts a  
20 requested ride through a digital network or software application,  
21 continues while the driver transports the passenger in a personal

1 vehicle, and ends when the passenger departs from the personal  
2 vehicle.

3 (3) "Commercial transportation services provider" means a  
4 corporation, partnership, sole proprietorship, or other entity,  
5 operating in Washington, that uses a digital network or software  
6 application to connect passengers to drivers for the purpose of  
7 providing a prearranged ride. However, a commercial transportation  
8 services provider is not a taxicab company under chapter 81.72 RCW, a  
9 charter party or excursion service carrier under chapter 81.70 RCW,  
10 an auto transportation company under chapter 81.68 RCW, a private,  
11 nonprofit transportation provider under chapter 81.66 RCW, or a  
12 limousine carrier under chapter 46.72A RCW. A commercial  
13 transportation services provider is not deemed to own, control,  
14 operate, or manage the personal vehicles used by commercial  
15 transportation services providers. A commercial transportation  
16 services provider does not include a political subdivision or other  
17 entity exempt from federal income tax under 26 U.S.C. Sec. 115 of the  
18 federal internal revenue code.

19 (4) "Commercial transportation services provider driver" or  
20 "driver" means an individual who uses a personal vehicle to provide  
21 services for passengers matched through a commercial transportation  
22 services provider's digital network or software application.

23 (5) "Commercial transportation services provider passenger" or  
24 "passenger" means a passenger in a personal vehicle for whom  
25 transport is provided, including:

26 (a) An individual who uses a commercial transportation services  
27 provider's digital network or software application to connect with a  
28 driver to obtain services in the driver's vehicle for the individual  
29 and anyone in the individual's party; or

30 (b) Anyone for whom another individual uses a commercial  
31 transportation services provider's digital network or software  
32 application to connect with a driver to obtain services in the  
33 driver's vehicle.

34 (6) "Commercial transportation services" or "services" means all  
35 times the driver is logged in to a commercial transportation services  
36 provider's digital network or software application or until the  
37 passenger has left the personal vehicle, whichever is later. The term  
38 does not include services provided either directly or under contract  
39 with a political subdivision or other entity exempt from federal

1 income tax under 26 U.S.C. Sec. 115 of the federal internal revenue  
2 code.

3 NEW SECTION. **Sec. 2.** (1)(a) Before being used to provide  
4 commercial transportation services, every personal vehicle must be  
5 covered by a primary automobile insurance policy that specifically  
6 covers commercial transportation services. However, the insurance  
7 coverage requirements of this section are alternatively satisfied by  
8 securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers  
9 the personal vehicle being used to provide commercial transportation  
10 services and that is in effect twenty-four hours per day, seven days  
11 per week. Except as provided in subsection (2) of this section, a  
12 commercial transportation services provider must secure this policy  
13 for every personal vehicle used to provide commercial transportation  
14 services. For purposes of this section, a "primary automobile  
15 insurance policy" is not a private passenger automobile insurance  
16 policy.

17 (b) The primary automobile insurance policy required under this  
18 section must provide coverage, as specified in this subsection  
19 (1)(b), at all times the driver is logged in to a commercial  
20 transportation services provider's digital network or software  
21 application and at all times a passenger is in the vehicle as part of  
22 a prearranged ride.

23 (i) The primary automobile insurance policy required under this  
24 subsection must provide the following coverage during commercial  
25 transportation services applicable during the period before a driver  
26 accepts a requested ride through a digital network or software  
27 application:

28 (A) Liability coverage in an amount no less than fifty thousand  
29 dollars per person for bodily injury, one hundred thousand dollars  
30 per accident for bodily injury of all persons, and thirty thousand  
31 dollars for damage to property;

32 (B) Underinsured motorist coverage to the extent required under  
33 RCW 48.22.030; and

34 (C) Personal injury protection coverage to the extent required  
35 under RCW 48.22.085 and 48.22.095.

36 (ii) The primary automobile insurance policy required under this  
37 subsection must provide the following coverage, applicable during the  
38 period of a prearranged ride:

1 (A) Combined single limit liability coverage in the amount of one  
2 million dollars for death, personal injury, and property damage;

3 (B) Underinsured motorist coverage in the amount of one million  
4 dollars; and

5 (C) Personal injury protection coverage to the extent required  
6 under RCW 48.22.085 and 48.22.095.

7 (2)(a) As an alternative to the provisions of subsection (1) of  
8 this section, if the office of the insurance commissioner approves  
9 the offering of an insurance policy that recognizes that a person is  
10 acting as a driver for a commercial transportation services provider  
11 and using a personal vehicle to provide commercial transportation  
12 services, a driver may secure a primary automobile insurance policy  
13 covering a personal vehicle and providing the same coverage as  
14 required in subsection (1) of this section. The policy coverage may  
15 be in the form of a rider to, or endorsement of, the driver's private  
16 passenger automobile insurance policy only if approved as such by the  
17 office of the insurance commissioner.

18 (b) If the primary automobile insurance policy maintained by a  
19 driver to meet the obligation of this section does not provide  
20 coverage for any reason, including that the policy lapsed or did not  
21 exist, the commercial transportation services provider must provide  
22 the coverage required under this section beginning with the first  
23 dollar of a claim.

24 (c) The primary automobile insurance policy required under this  
25 subsection and subsection (1) of this section may be secured by any  
26 of the following:

27 (i) The commercial transportation services provider as provided  
28 under subsection (1) of this section;

29 (ii) The driver as provided under (a) of this subsection; or

30 (iii) A combination of both the commercial transportation  
31 services provider and the driver.

32 (3) The insurer or insurers providing coverage under subsections  
33 (1) and (2) of this section are the only insurers having the duty to  
34 defend any liability claim from an accident occurring while  
35 commercial transportation services are being provided.

36 (4) In addition to the requirements in subsections (1) and (2) of  
37 this section, before allowing a person to provide commercial  
38 transportation services as a driver, a commercial transportation  
39 services provider must provide written proof to the driver that the  
40 driver is covered by a primary automobile insurance policy that meets

1 the requirements of this section. Alternatively, if a driver  
2 purchases a primary automobile insurance policy as allowed under  
3 subsection (2) of this section, the commercial transportation  
4 services provider must verify that the driver has done so.

5 (5) A primary automobile insurance policy required under  
6 subsection (1) or (2) of this section may be placed with an insurer  
7 licensed under this title to provide insurance in the state of  
8 Washington or as an eligible surplus line insurance policy as  
9 described in RCW 48.15.040.

10 (6) Insurers that write automobile insurance in Washington may  
11 exclude any and all coverage afforded under a private passenger  
12 automobile insurance policy issued to an owner or operator of a  
13 personal vehicle for any loss or injury that occurs while a driver  
14 for a commercial transportation services provider is logged in to a  
15 commercial transportation services provider's digital network or  
16 while a driver provides a prearranged ride. This right to exclude all  
17 coverage may apply to any coverage included in a private passenger  
18 automobile insurance policy including, but not limited to:

- 19 (a) Liability coverage for bodily injury and property damage;
- 20 (b) Personal injury protection coverage;
- 21 (c) Underinsured motorist coverage;
- 22 (d) Medical payments coverage;
- 23 (e) Comprehensive physical damage coverage; and
- 24 (f) Collision physical damage coverage.

25 (7) Nothing in this section shall be construed to require a  
26 private passenger automobile insurance policy to provide primary or  
27 excess coverage or a duty to defend for the period of time in which a  
28 driver is logged in to a commercial transportation services  
29 provider's digital network or software application or while the  
30 driver is engaged in a prearranged ride or the driver otherwise uses  
31 a vehicle to transport passengers for compensation.

32 (8) Insurers that exclude coverage under subsection (6) of this  
33 section have no duty to defend or indemnify any claim expressly  
34 excluded under subsection (6) of this section. Nothing in this  
35 section shall be deemed to invalidate or limit an exclusion contained  
36 in a policy, including any policy in use or approved for use in  
37 Washington state before the effective date of this section that  
38 excludes coverage for vehicles used to carry persons or property for  
39 a charge or available for hire by the public.

1 (9) An exclusion exercised by an insurer in subsection (6) of  
2 this section applies to any coverage selected or rejected by a named  
3 insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or  
4 endorsement by a driver under subsection (2)(a) of this section does  
5 not require a separate coverage rejection under RCW 48.22.030 or  
6 48.22.085.

7 (10) If more than one insurance policy provides valid and  
8 collectible coverage for a loss arising out of an occurrence  
9 involving a motor vehicle operated by a driver, the responsibility  
10 for the claim must be divided as follows:

11 (a) Except as provided otherwise under subsection (2)(c) of this  
12 section, if the driver has been matched with a passenger and is  
13 traveling to pick up the passenger, or the driver is providing  
14 services to a passenger, the commercial transportation services  
15 provider that matched the driver and passenger must provide insurance  
16 coverage; or

17 (b) If the driver is logged in to the digital network or software  
18 application of more than one commercial transportation services  
19 provider but has not been matched with a passenger, the liability  
20 must be divided equally among all of the applicable insurance  
21 policies that specifically provide coverage for commercial  
22 transportation services.

23 (11) In an accident or claims coverage investigation, a  
24 commercial transportation services provider or its insurer must  
25 cooperate with a private passenger automobile insurance policy  
26 insurer and other insurers that are involved in the claims coverage  
27 investigation to facilitate the exchange of information, including  
28 the provision of (a) dates and times at which an accident occurred  
29 that involved a participating driver and (b) within ten business days  
30 after receiving a request, a copy of the provider's electronic record  
31 showing the precise times that the participating driver logged on and  
32 off the provider's digital network or software application on the day  
33 the accident or other loss occurred. The commercial transportation  
34 services provider or its insurer must retain all data,  
35 communications, or documents related to insurance coverage or  
36 accident details for a period of not less than the applicable  
37 statutes of limitation, plus two years from the date of an accident  
38 to which those records pertain.

39 (12) This section does not modify or abrogate any otherwise  
40 applicable insurance requirement set forth in this title.

1 (13) After July 1, 2016, an insurance company regulated under  
2 this title may not deny an otherwise covered claim arising  
3 exclusively out of the personal use of the private passenger  
4 automobile solely on the basis that the insured, at other times, used  
5 the private passenger automobile covered by the policy to provide  
6 commercial transportation services.

7 (14) If an insurer for a commercial transportation services  
8 provider makes a payment for a claim covered under comprehensive  
9 coverage or collision coverage, the commercial transportation  
10 services provider must cause its insurer to issue the payment  
11 directly to the business repairing the vehicle or jointly to the  
12 owner of the vehicle and the primary lienholder on the covered  
13 vehicle.

14 (15)(a) To be eligible for securing a primary automobile  
15 insurance policy under this section, a commercial transportation  
16 services provider must make the following disclosures to a  
17 prospective driver in the prospective driver's terms of service:

18 WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF  
19 THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE  
20 PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY,  
21 UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR  
22 COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

23 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL  
24 TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU  
25 MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR  
26 COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR  
27 CONTRACT WITH THE LIENHOLDER.

28 (b) The prospective driver must acknowledge the terms of service  
29 electronically or by signature.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.72  
31 RCW to read as follows:

32 RCW 46.72.040 and 46.72.050 do not apply to personal vehicles  
33 under chapter 48.--- RCW (the new chapter created in section 11 of  
34 this act).

35 **Sec. 4.** RCW 51.12.020 and 2013 c 141 s 3 are each amended to  
36 read as follows:

1 The following are the only employments which shall not be  
2 included within the mandatory coverage of this title:

3 (1) Any person employed as a domestic servant in a private home  
4 by an employer who has less than two employees regularly employed  
5 forty or more hours a week in such employment.

6 (2) Any person employed to do gardening, maintenance, or repair,  
7 in or about the private home of the employer. For the purposes of  
8 this subsection, "maintenance" means the work of keeping in proper  
9 condition, "repair" means to restore to sound condition after damage,  
10 and "private home" means a person's place of residence.

11 (3) A person whose employment is not in the course of the trade,  
12 business, or profession of his or her employer and is not in or about  
13 the private home of the employer.

14 (4) Any person performing services in return for aid or  
15 sustenance only, received from any religious or charitable  
16 organization.

17 (5) Sole proprietors or partners.

18 (6) Any child under eighteen years of age employed by his or her  
19 parent or parents in agricultural activities on the family farm.

20 (7) Jockeys while participating in or preparing horses for race  
21 meets licensed by the Washington horse racing commission pursuant to  
22 chapter 67.16 RCW.

23 (8)(a) Except as otherwise provided in (b) of this subsection,  
24 any bona fide officer of a corporation voluntarily elected or  
25 voluntarily appointed in accordance with the articles of  
26 incorporation or bylaws of the corporation, who at all times during  
27 the period involved is also a bona fide director, and who is also a  
28 shareholder of the corporation. Only such officers who exercise  
29 substantial control in the daily management of the corporation and  
30 whose primary responsibilities do not include the performance of  
31 manual labor are included within this subsection.

32 (b) Alternatively, a corporation that is not a "public company"  
33 as defined in RCW 23B.01.400 may exempt eight or fewer bona fide  
34 officers, who are voluntarily elected or voluntarily appointed in  
35 accordance with the articles of incorporation or bylaws of the  
36 corporation and who exercise substantial control in the daily  
37 management of the corporation, from coverage under this title without  
38 regard to the officers' performance of manual labor if the exempted  
39 officer is a shareholder of the corporation, or may exempt any number  
40 of officers if all the exempted officers are related by blood within

1 the third degree or marriage. If a corporation that is not a "public  
2 company" elects to be covered under subsection (8)(a) of this  
3 section, the corporation's election must be made on a form prescribed  
4 by the department and under such reasonable rules as the department  
5 may adopt.

6 (c) Determinations respecting the status of persons performing  
7 services for a corporation shall be made, in part, by reference to  
8 Title 23B RCW and to compliance by the corporation with its own  
9 articles of incorporation and bylaws. For the purpose of determining  
10 coverage under this title, substance shall control over form, and  
11 mandatory coverage under this title shall extend to all workers of  
12 this state, regardless of honorary titles conferred upon those  
13 actually serving as workers.

14 (d) A corporation may elect to cover officers who are exempted by  
15 this subsection in the manner provided by RCW 51.12.110.

16 (9) Services rendered by a musician or entertainer under a  
17 contract with a purchaser of the services, for a specific engagement  
18 or engagements when such musician or entertainer performs no other  
19 duties for the purchaser and is not regularly and continuously  
20 employed by the purchaser. A purchaser does not include the leader of  
21 a group or recognized entity who employs other than on a casual basis  
22 musicians or entertainers.

23 (10) Services performed by a newspaper vendor, carrier, or  
24 delivery person selling or distributing newspapers on the street, to  
25 offices, to businesses, or from house to house and any freelance news  
26 correspondent or "stringer" who, using his or her own equipment,  
27 chooses to submit material for publication for free or a fee when  
28 such material is published.

29 (11) Services performed by an insurance producer, as defined in  
30 RCW 48.17.010, or a surplus line broker licensed under chapter 48.15  
31 RCW.

32 (12) Services performed by a booth renter. However, a person  
33 exempted under this subsection may elect coverage under RCW  
34 51.32.030.

35 (13) Members of a limited liability company, if either:

36 (a) Management of the company is vested in its members, and the  
37 members for whom exemption is sought would qualify for exemption  
38 under subsection (5) of this section were the company a sole  
39 proprietorship or partnership; or

1 (b) Management of the company is vested in one or more managers,  
2 and the members for whom the exemption is sought are managers who  
3 would qualify for exemption under subsection (8) of this section were  
4 the company a corporation.

5 (14) A driver providing commercial transportation services as  
6 defined in section 1 of this act. The driver may elect coverage in  
7 the manner provided by RCW 51.32.030.

8 (15) For hire vehicle operators under chapter 46.72 RCW who own  
9 or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW  
10 who own or lease the limousine, and operators of taxicabs under  
11 chapter 81.72 RCW who own or lease the taxicab. An owner or lessee  
12 may elect coverage in the manner provided by RCW 51.32.030.

13 **Sec. 5.** RCW 51.12.185 and 2011 c 190 s 4 are each amended to  
14 read as follows:

15 ~~(1) ((In order to assist the department with controlling costs~~  
16 ~~related to the self-monitoring of industrial insurance claims by~~  
17 ~~independent owner-operated for hire vehicle, limousine, and taxicab~~  
18 ~~businesses,))~~ The department may appoint a panel of individuals with  
19 for hire vehicle, limousine, or taxicab transportation industry  
20 experience and expertise to advise the department.

21 (2) The owner or lessee of any for hire, limousine, or taxicab  
22 vehicle (~~subject to mandatory industrial insurance pursuant to RCW~~  
23 ~~51.12.183)) is eligible for inclusion in a retrospective rating  
24 program authorized and established pursuant to chapter 51.18 RCW.~~

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.29  
26 RCW to read as follows:

27 This chapter does not apply to the coverage exclusions under  
28 section 2(6) of this act.

29 **Sec. 7.** RCW 48.22.030 and 2009 c 549 s 7106 are each amended to  
30 read as follows:

31 (1) "Underinsured motor vehicle" means a motor vehicle with  
32 respect to the ownership, maintenance, or use of which either no  
33 bodily injury or property damage liability bond or insurance policy  
34 applies at the time of an accident, or with respect to which the sum  
35 of the limits of liability under all bodily injury or property damage  
36 liability bonds and insurance policies applicable to a covered person

1 after an accident is less than the applicable damages which the  
2 covered person is legally entitled to recover.

3 (2) No new policy or renewal of an existing policy insuring  
4 against loss resulting from liability imposed by law for bodily  
5 injury, death, or property damage, suffered by any person arising out  
6 of the ownership, maintenance, or use of a motor vehicle shall be  
7 issued with respect to any motor vehicle registered or principally  
8 garaged in this state unless coverage is provided therein or  
9 supplemental thereto for the protection of persons insured thereunder  
10 who are legally entitled to recover damages from owners or operators  
11 of underinsured motor vehicles, hit-and-run motor vehicles, and  
12 phantom vehicles because of bodily injury, death, or property damage,  
13 resulting therefrom, except while operating or occupying a motorcycle  
14 or motor-driven cycle, and except while operating or occupying a  
15 motor vehicle owned or available for the regular use by the named  
16 insured or any family member, and which is not insured under the  
17 liability coverage of the policy. The coverage required to be offered  
18 under this chapter is not applicable to general liability policies,  
19 commonly known as umbrella policies, or other policies which apply  
20 only as excess to the insurance directly applicable to the vehicle  
21 insured.

22 (3) Except as to property damage, coverage required under  
23 subsection (2) of this section shall be in the same amount as the  
24 insured's third party liability coverage unless the insured rejects  
25 all or part of the coverage as provided in subsection (4) of this  
26 section. Coverage for property damage need only be issued in  
27 conjunction with coverage for bodily injury or death. Property damage  
28 coverage required under subsection (2) of this section shall mean  
29 physical damage to the insured motor vehicle unless the policy  
30 specifically provides coverage for the contents thereof or other  
31 forms of property damage.

32 (4) A named insured or spouse may reject, in writing,  
33 underinsured coverage for bodily injury or death, or property damage,  
34 and the requirements of subsections (2) and (3) of this section shall  
35 not apply. If a named insured or spouse has rejected underinsured  
36 coverage, such coverage shall not be included in any supplemental or  
37 renewal policy unless a named insured or spouse subsequently requests  
38 such coverage in writing. The requirement of a written rejection  
39 under this subsection shall apply only to the original issuance of  
40 policies issued after July 24, 1983, and not to any renewal or

1 replacement policy. When a named insured or spouse chooses a property  
2 damage coverage that is less than the insured's third party liability  
3 coverage for property damage, a written rejection is not required.

4 (5) The limit of liability under the policy coverage may be  
5 defined as the maximum limits of liability for all damages resulting  
6 from any one accident regardless of the number of covered persons,  
7 claims made, or vehicles or premiums shown on the policy, or premiums  
8 paid, or vehicles involved in an accident.

9 (6) The policy may provide that if an injured person has other  
10 similar insurance available to him or her under other policies, the  
11 total limits of liability of all coverages shall not exceed the  
12 higher of the applicable limits of the respective coverages.

13 (7)(a) The policy may provide for a deductible of not more than  
14 three hundred dollars for payment for property damage when the damage  
15 is caused by a hit-and-run driver or a phantom vehicle.

16 (b) In all other cases of underinsured property damage coverage,  
17 the policy may provide for a deductible of not more than one hundred  
18 dollars.

19 (8) For the purposes of this chapter, a "phantom vehicle" shall  
20 mean a motor vehicle which causes bodily injury, death, or property  
21 damage to an insured and has no physical contact with the insured or  
22 the vehicle which the insured is occupying at the time of the  
23 accident if:

24 (a) The facts of the accident can be corroborated by competent  
25 evidence other than the testimony of the insured or any person having  
26 an underinsured motorist claim resulting from the accident; and

27 (b) The accident has been reported to the appropriate law  
28 enforcement agency within seventy-two hours of the accident.

29 (9) An insurer who elects to write motorcycle or motor-driven  
30 cycle insurance in this state must provide information to prospective  
31 insureds about the coverage.

32 (10) An insurer who elects to write motorcycle or motor-driven  
33 cycle insurance in this state must provide an opportunity for named  
34 insureds, who have purchased liability coverage for a motorcycle or  
35 motor-driven cycle, to reject underinsured coverage for that  
36 motorcycle or motor-driven cycle in writing.

37 (11) If the covered person seeking underinsured motorist coverage  
38 under this section was the intended victim of the tort feason, the  
39 incident must be reported to the appropriate law enforcement agency

1 and the covered person must cooperate with any related law  
2 enforcement investigation.

3 (12) The purpose of this section is to protect innocent victims  
4 of motorists of underinsured motor vehicles. Covered persons are  
5 entitled to coverage without regard to whether an incident was  
6 intentionally caused. However, a person is not entitled to coverage  
7 if the insurer can demonstrate that the covered person intended to  
8 cause the event for which a claim is made under the coverage  
9 described in this section. As used in this section, and in the  
10 section of policies providing the underinsured motorist coverage  
11 described in this section, "accident" means an occurrence that is  
12 unexpected and unintended from the standpoint of the covered person.

13 (13) The coverage under this section may be excluded as provided  
14 for under section 2(6) of this act.

15 (14) "Underinsured coverage," for the purposes of this section,  
16 means coverage for "underinsured motor vehicles," as defined in  
17 subsection (1) of this section.

18 **Sec. 8.** RCW 48.22.085 and 2003 c 115 s 2 are each amended to  
19 read as follows:

20 (1) No new automobile liability insurance policy or renewal of  
21 such an existing policy may be issued unless personal injury  
22 protection coverage is offered as an optional coverage.

23 (2) A named insured may reject, in writing, personal injury  
24 protection coverage and the requirements of subsection (1) of this  
25 section shall not apply. If a named insured rejects personal injury  
26 protection coverage:

27 (a) That rejection is valid and binding as to all levels of  
28 coverage and on all persons who might have otherwise been insured  
29 under such coverage; and

30 (b) The insurer is not required to include personal injury  
31 protection coverage in any supplemental, renewal, or replacement  
32 policy unless a named insured subsequently requests such coverage in  
33 writing.

34 (3) The coverage under this section may be excluded as provided  
35 for under section 2(6) of this act.

36 **Sec. 9.** RCW 48.22.095 and 2003 c 115 s 4 are each amended to  
37 read as follows:

1       (1) Insurers providing automobile insurance policies must offer  
2 minimum personal injury protection coverage for each insured with  
3 benefit limits as follows:

4       ~~((1))~~ (a) Medical and hospital benefits of ten thousand  
5 dollars;

6       ~~((2))~~ (b) A funeral expense benefit of two thousand dollars;

7       ~~((3))~~ (c) Income continuation benefits of ten thousand dollars,  
8 subject to a limit of two hundred dollars per week; and

9       ~~((4))~~ (d) Loss of services benefits of five thousand dollars,  
10 subject to a limit of two hundred dollars per week.

11       (2) The coverage under this section may be excluded as provided  
12 for under section 2(6) of this act.

13       NEW SECTION.   **Sec. 10.** The following acts or parts of acts are  
14 each repealed:

15       (1) RCW 46.72.073 (Certificate suspension or revocation—Failure  
16 to pay industrial insurance premiums—Rules—Cooperative agreements)  
17 and 2011 c 190 s 5;

18       (2) RCW 46.72A.053 (Certificate suspension or revocation—Failure  
19 to pay industrial insurance premiums—Rules—Cooperative agreements)  
20 and 2011 c 190 s 6;

21       (3) RCW 51.12.180 (For hire vehicle businesses and operators—  
22 Findings—Declaration) and 2011 c 190 s 1;

23       (4) RCW 51.12.183 (For hire vehicle businesses and operators—  
24 Mandatory coverage—Definitions) and 2011 c 190 s 2;

25       (5) RCW 51.16.240 (For hire vehicle businesses and operators—  
26 Basis for premiums—Rules) and 2011 c 190 s 3; and

27       (6) RCW 81.72.230 (License suspension or revocation—Failure to  
28 pay industrial insurance premiums—Rules—Cooperative agreements) and  
29 2011 c 190 s 7.

30       NEW SECTION.   **Sec. 11.** Sections 1 and 2 of this act constitute a  
31 new chapter in Title 48 RCW.

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