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HOUSE BILL 2773

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives R. Johnson, May and Paris

Read first time 01/27/92. Referred to Committee on Financial  
Institutions & Insurance.

1 AN ACT Relating to immunity from civil liability for insurance loss  
2 control activities; 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

1 National Association of Insurance Commissioners, unless actual malice,  
2 fraud, or bad faith is shown.

3 (2) The commissioner and the National Association of Insurance  
4 Commissioners, and the agents and employees of each, are immune from  
5 liability in any civil action or suit arising from the publication of  
6 any report or bulletin or dissemination of information related to the  
7 official activities of the commissioner or the National Association of  
8 Insurance Commissioners, unless actual malice, fraud, or bad faith is  
9 shown.

10 (3) Any insurer, agent, broker, or person acting on behalf of an  
11 insurer, agent, or broker shall be immune from liability in any civil  
12 action or suit arising from the provision of loss control advice or  
13 related services if such advice or services are: (a) Not provided for  
14 compensation; (b) not represented or relied upon as complying with  
15 standards required by law or regulation; and (c) not provided so as to  
16 constitute gross negligence or malice as a matter of law.

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