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HOUSE BILL 1294

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives R. Meyers, Schmidt, Dellwo, Dorn, Inslee, Padden, Anderson, Paris and Wang.

Read first time January 25, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to mandatory offering of personal injury protection  
2 insurance; adding new sections to chapter 48.22 RCW; creating a new  
3 section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
6 otherwise, the definitions in this section apply throughout this  
7 chapter.

8 (1) "Motor vehicle liability insurance policy" means a policy  
9 insuring against loss resulting from liability imposed by law for  
10 bodily injury, death, or property damage suffered by a person and  
11 arising out of the ownership, maintenance, or use of a motor vehicle.

12 (2) "Insured" includes:

13 (a) The person named in the policy;

1 (b) A person who is a resident of the named insured's household and  
2 is either related to the named insured by blood, marriage, or adoption,  
3 or is the named insured's ward, foster child, or stepchild;

4 (c) A person while occupying or using, with permission of an  
5 insured, a motor vehicle insured under the policy; and

6 (d) A person entitled to recover damages because of bodily injury  
7 to or the death of a person indicated in (a) through (c) of this  
8 subsection.

9 NEW SECTION. **Sec. 2.** Every motor vehicle liability insurance  
10 policy issued or renewed with respect to a private passenger  
11 automobile, as defined in RCW 48.18.297 and which is not used in the  
12 occupation, profession, or business of the insured, a motor home, as  
13 defined in RCW 46.04.305, and a motorcycle or motor-driven cycle, as  
14 defined in RCW 46.04.330 and 46.04.332, respectively, registered or  
15 principally garaged in this state shall provide personal injury  
16 protection benefits for the reasonable and necessary medical and  
17 hospital expenses, funeral expenses, loss of income, and loss of  
18 household services sustained by an insured because of bodily injury  
19 caused by a motor vehicle accident unless the named insured or spouse  
20 has rejected such coverage in writing.

21 NEW SECTION. **Sec. 3.** (1) Personal injury protection benefits  
22 need not be provided for vendor's single interest policies, or general  
23 liability policies, commonly known as umbrella policies, or other  
24 policies that apply only as excess to the motor vehicle liability  
25 policy directly applicable to the insured motor vehicle.

26 (2) Personal injury protection benefits need not be provided for an  
27 insured while the insured is operating or occupying a motorcycle or

1 motor-driven cycle unless the motor vehicle liability policy is written  
2 to cover the owner or operator of a motorcycle or motor-driven cycle.

3 NEW SECTION. **Sec. 4.** (1) Benefits for reasonable and  
4 necessary medical and hospital expenses shall include coverage for  
5 prosthetic devices, eyeglasses, ambulance services, and professional  
6 nursing services. At a minimum, such coverage shall pay the expenses  
7 incurred within three years after the date of the insured's injury up  
8 to fifteen thousand dollars.

9 (2) At a minimum, benefits for funeral expenses shall be provided  
10 in an amount up to two thousand dollars.

11 (3) At a minimum, benefits for loss of income shall be provided in  
12 an amount up to fifteen thousand dollars.

13 (4) At a minimum, benefits for loss of services shall be provided  
14 in an amount up to five thousand dollars.

15 NEW SECTION. **Sec. 5.** The commissioner may adopt rules to  
16 establish minimum standards for personal injury protection benefits  
17 including, but not limited to:

18 (1) Conditions;

19 (2) Definitions;

20 (3) Exclusions;

21 (4) Benefit time periods; and

22 (5) Benefit levels to be offered in excess of the statutory  
23 minimum.

24 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are  
25 each added to chapter 48.22 RCW.

1        NEW SECTION.    **Sec. 7.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 8.**        Sections 1 through 6 of this act shall  
6 take effect on January 1, 1992.

7        NEW SECTION.    **Sec. 9.**        The commissioner may adopt such rules as  
8 are necessary to implement sections 1 through 6 of this act by January  
9 1, 1992.