
HOUSE BILL 1441

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Inslee, Schmidt, Dellwo, Winsley, Zellinsky, R. Meyers, Dorn and Anderson.

Read first time January 29, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to automobile insurance; amending RCW 48.18.292 and
2 48.18.297; and adding new sections to chapter 48.18 RCW.

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

4 **Sec. 1.** RCW 48.18.292 and 1985 c 264 s 19 are each amended to read
5 as follows:

6 (1) Each insurer shall be required to renew any contract of
7 insurance subject to RCW 48.18.291 unless one of the following
8 situations exists:

9 (a) The insurer gives the named insured at least twenty days'
10 notice in writing as provided for in RCW 48.18.291(1), that it proposes
11 to refuse to renew the insurance contract upon its expiration date; and
12 sets forth therein the actual reason for refusing to renew; or

13 (b) At least twenty days prior to its expiration date, the insurer
14 has communicated its willingness to renew in writing to the named
15 insured, and has included therein a statement of the amount of the

1 premium or portion thereof required to be paid by the insured to renew
2 the policy, including the amount by which the premium or deductibles
3 have changed from the previous policy period, and the date by which
4 such payment must be made, and the insured fails to discharge when due
5 his obligation in connection with the payment of such premium or
6 portion thereof; or

7 (c) The insured's agent or broker has procured other coverage
8 acceptable to the insured prior to the expiration of the policy period.

9 (2) Renewal of a policy shall not constitute a waiver or estoppel
10 with respect to grounds for cancellation which existed before the
11 effective date of such renewal.

12 (3) "Renewal" or "to renew" means the issuance and delivery by an
13 insurer of a contract of insurance replacing at the end of the contract
14 period a contract of insurance previously issued and delivered by the
15 same insurer, or the issuance and delivery of a certificate or notice
16 extending the term of a contract beyond its policy period or term:
17 PROVIDED, HOWEVER, That any contract of insurance with a policy period
18 or term of six months or less whether or not made continuous for
19 successive terms upon the payment of additional premiums shall for the
20 purpose of RCW 48.18.291 through 48.18.297 be considered as if written
21 for a policy period or term of six months: PROVIDED, FURTHER, That any
22 policy written for a term longer than one year or any policy with no
23 fixed expiration date, shall, for the purpose of RCW 48.18.291 through
24 48.18.297, be considered as if written for successive policy periods or
25 terms of one year.

26 (4) On and after January 1, 1980, no policy of insurance subject to
27 RCW 48.18.291 shall be issued for a policy period or term of less than
28 six months.

29 (5) No insurer shall refuse to renew the liability and/or collision
30 coverage of an automobile insurance policy on the basis that an insured

1 covered by the policy of the insurer has submitted one or more claims
2 under the comprehensive, road service, or towing coverage of the
3 policy. Nothing in this subsection shall prohibit the nonrenewal of
4 comprehensive, road service, or towing coverage on the basis of one or
5 more claims submitted by an insured.

6 (6) No insurer shall refuse to renew the liability and/or
7 underinsured motorist coverage of an automobile insurance policy solely
8 because of an accident or accidents where the insured's portion of
9 fault is less than twenty-five percent.

10 **Sec. 2.** RCW 48.18.297 and 1969 ex.s. c 241 s 24 are each amended
11 to read as follows:

12 A private passenger automobile as used in ((RCW 48.18.291 through
13 48.18.297)) this chapter shall mean:

14 (1) An individually owned motor vehicle of the private passenger or
15 station wagon type that is not used as a public or livery conveyance
16 for passengers, nor rented to others.

17 (2) Any other individually owned four-wheel motor vehicle with a
18 load capacity of fifteen hundred pounds or less which is not used in
19 the occupation, profession, or business of the insured.

20 NEW SECTION. **Sec. 3.** No private passenger automobile
21 liability insurer shall refuse to issue a private passenger liability
22 insurance policy or increase the rate to be charged for such a policy
23 based solely on the grounds that the applicant has never purchased such
24 a policy or has not purchased or been covered by such a policy during
25 any specified time period immediately preceding the date of
26 application.

1 NEW SECTION. **Sec. 4.** No private passenger automobile
2 liability insurer shall sell private passenger automobile liability
3 insurance in an amount less than the liability limits specified under
4 RCW 46.29.090. Every private passenger automobile liability insurer
5 shall offer private passenger automobile liability insurance in an
6 amount equal to the liability limits specified under RCW 46.29.090.
7 Nothing in this section prohibits such insurer from offering additional
8 private passenger automobile liability coverage limits in amounts
9 greater than the limits specified under RCW 46.29.090. Nothing in this
10 section shall be deemed to require such insurer to sell a policy to a
11 person who does not meet the insurer's underwriting standards.

12 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act are each
13 added to chapter 48.18 RCW.