
SENATE BILL 5723

State of Washington

52nd Legislature

1991 Regular Session

By Senator Williams.

Read first time February 18, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to automobile insurance; adding a new section to
2 chapter 48.30 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.30 RCW
5 to read as follows:

6 (1) The credit history of an applicant for, or holder of, an
7 automobile insurance policy shall not be used as a factor by the
8 insurer in determining the eligibility or rates of the applicant or
9 policyholder for such insurance. "Credit history" for the purpose of
10 this section, shall be limited to the financial information on a
11 consumer credit report, and shall not be construed to include health,
12 driving record, or other nonfinancial information. This section shall
13 not be construed to allow or encourage gathering of other than
14 financial information on credit reports.

1 (2) Any person who violates this section shall be subject to a
2 civil penalty not to exceed two hundred fifty dollars for each
3 violation, to be assessed and collected in a civil action brought by
4 the person paying with a credit card, by the attorney general, or by
5 the prosecuting or city attorney of the county or city in which the
6 violation occurred. However, no civil penalty shall be assessed for a
7 violation of this section if the defendant shows by a preponderance of
8 the evidence that the violation was not intentional and resulted from
9 a bona fide error made notwithstanding the defendant's maintenance of
10 procedures reasonably adopted to avoid such an error.

11 (3) The attorney general, or any prosecuting or city attorney
12 within his or her respective jurisdiction, may bring an action in the
13 superior court in the name of the people of the state of Washington to
14 enjoin violation of subsection (1) of this section and, upon notice to
15 the defendant of not less than five days, to temporarily restrain and
16 enjoin the violation. If it appears to the satisfaction of the court
17 that the defendant has, in fact, violated subsection (1) of this
18 section, the court may issue an injunction restraining further
19 violations without requiring proof that any person has been damaged by
20 the violation. In these proceedings, if the court finds that the
21 defendant has violated subsection (1) of this section, the court may
22 direct the defendant to pay any or all costs incurred by the attorney
23 general, prosecuting or city attorney in seeking or obtaining
24 injunctive relief pursuant to this subsection.