

2 **ESHB 1233** - S COMM AMD
3 By Committee on Labor & Commerce

4 NOT ADOPTED 4/16/93

5 Strike everything after the enacting clause and insert the
6 following:

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

10 (1) "Automobile" means a passenger car as defined in RCW 46.04.382
11 registered or principally garaged in this state other than:

12 (a) A farm-type tractor or other self-propelled equipment designed
13 for use principally off public roads;

14 (b) A vehicle operated on rails or crawler-treads;

15 (c) A vehicle located for use as a residence;

16 (d) A motor home as defined in RCW 46.04.305; or

17 (e) A moped as defined in RCW 46.04.304.

18 (2) "Bodily injury" means bodily injury, sickness, or disease,
19 including death at any time resulting from the injury, sickness, or
20 disease.

21 (3) "Income continuation benefits" means payments of at least
22 eighty-five percent of the insured's loss of income from work, less
23 credit for earned income received, because of bodily injury sustained
24 by him or her in the accident, less income earned during the benefit
25 payment period. The benefit payment period begins fourteen days after
26 the date of the accident and ends at the earliest of the following:

27 (a) The date on which the insured is reasonably able to perform the
28 duties of his or her usual occupation;

29 (b) The expiration of not more than fifty-two weeks from the
30 fourteenth day; or

31 (c) The date of the insured's death.

32 (4) "Insured automobile" means an automobile of which the named
33 insured is the registered owner, to which the automobile liability
34 insurance policy applies.

35 (5) "Insured" means:

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

5 (b) A person who sustains bodily injury caused by accident while:
6 (i) Occupying or using the insured automobile with the permission of
7 the named insured; or (ii) a pedestrian accidentally struck by the
8 insured automobile.

9 (6) "Loss of services benefits" means reimbursement for payment to
10 others, not members of the insured's household, for expenses reasonably
11 incurred for services in lieu of those the insured would usually have
12 performed for his or her household without compensation, provided the
13 services are actually rendered, and ending the earliest of the
14 following:

15 (a) The date on which the insured person is reasonably able to
16 perform those services;

17 (b) The expiration of fifty-two weeks; or

18 (c) The date of the insured's death.

19 (7) "Medical and hospital benefits" means payments for all
20 reasonable and necessary expenses incurred by or on behalf of the
21 insured for injuries sustained as a result of an automobile accident
22 for health care services provided by persons licensed under Title 18
23 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and
24 necessary ambulance, hospital, and professional nursing service.

25 (8) "Automobile liability insurance policy" means a policy insuring
26 against loss resulting from liability imposed by law for bodily injury,
27 death, or property damage suffered by any person and arising out of the
28 ownership, maintenance, or use of an insured automobile.

29 (9) "Named insured" means the individual named in the declarations
30 of the policy and includes his or her spouse if a resident of the same
31 household.

32 (10) "Occupying" means in or upon or entering into or alighting
33 from.

34 (11) "Pedestrian" means a natural person not occupying a motor
35 vehicle as defined in RCW 46.04.320.

36 (12) "Personal injury protection" means the benefits described in
37 sections 1 through 5 of this act.

1 NEW SECTION. **Sec. 2.** (1) No new automobile liability insurance
2 policy or renewal of such an existing policy may be issued unless
3 personal injury protection coverage benefits at limits established in
4 this chapter for medical and hospital expenses, funeral expenses,
5 income continuation, and loss of services sustained by an insured
6 because of bodily injury caused by an automobile accident are offered
7 as an optional coverage.

8 (2) A named insured may reject, in writing, personal injury
9 protection coverage and the requirements of subsection (1) of this
10 section shall not apply. If a named insured has rejected personal
11 injury protection coverage, that rejection shall be valid and binding
12 as to all levels of coverage and on all persons who might have
13 otherwise been insured under such coverage. If a named insured has
14 rejected personal injury protection coverage, such coverage shall not
15 be included in any supplemental, renewal, or replacement policy unless
16 a named insured subsequently requests such coverage in writing.

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

22 (2) Personal injury protection coverage need not be provided to or
23 on behalf of:

24 (a) A person who intentionally causes injury to himself or herself;

25 (b) A person who is injured while participating in a prearranged or
26 organized racing or speed contest or in practice or preparation for
27 such a contest;

28 (c) A person whose bodily injury is due to war, whether or not
29 declared, or to an act or condition incident to such circumstances;

30 (d) A person whose bodily injury results from the radioactive,
31 toxic, explosive, or other hazardous properties of nuclear material;

32 (e) The named insured or a relative while occupying a motor vehicle
33 owned by the named insured or furnished for the named insured's regular
34 use, if such motor vehicle is not described on the declaration page of
35 the policy under which a claim is made;

36 (f) A relative while occupying a motor vehicle owned by the
37 relative or furnished for the relative's regular use, if such motor

1 vehicle is not described on the declaration page of the policy under
2 which a claim is made; or

3 (g) An insured whose bodily injury results or arises from the
4 insured's use of an automobile in the commission of a felony.

5 NEW SECTION. **Sec. 4.** At a minimum, personal injury protection
6 coverage must provide each insured:

7 (1) Up to ten thousand dollars for medical and hospital benefits
8 for expenses incurred within three years of the automobile accident;

9 (2) Benefits for funeral expenses in an amount up to two thousand
10 dollars;

11 (3) Income continuation benefits covering income losses incurred
12 within one year after the date of the insured's injury in an amount up
13 to ten thousand dollars, subject to a limit of the lesser of two
14 hundred dollars per week or eighty-five percent of the weekly income.
15 The combined weekly payment receivable by the insured under any
16 workers' compensation or other disability insurance benefits or other
17 income continuation benefit and this insurance may not exceed eighty-
18 five percent of the insured's weekly income; and

19 (4) Loss of services benefits in an amount of up to five thousand
20 dollars, subject to a limit of forty dollars per day not to exceed two
21 hundred dollars per week.

22 NEW SECTION. **Sec. 5.** Insurers providing automobile liability
23 insurance policies shall offer and provide, upon request, personal
24 injury protection coverage limits for each insured of:

25 (1) Up to thirty-five thousand dollars for medical and hospital
26 benefits incurred within three years of the automobile accident;

27 (2) Up to thirty-five thousand dollars for one year's income
28 continuation benefits, subject to a limit of the lesser of seven
29 hundred dollars per week or eighty-five percent of the weekly income;
30 and

31 (3) Up to forty dollars per day for loss of services benefits, for
32 up to one year from the date of the automobile accident.

33 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each
34 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 5 of this act shall take
6 effect July 1, 1994.

7 NEW SECTION. **Sec. 9.** The commissioner may adopt such rules as are
8 necessary to implement sections 1 through 5 of this act by July 1,
9 1994."

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13 On page 1, line 2 of the title, after "insurance;" strike the
14 remainder of the title and insert "adding new sections to chapter 48.22
15 RCW; creating a new section; and providing an effective date."

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