

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2571

Chapter 171, Laws of 1994

53rd Legislature
1994 Regular Session

INSURERS--CAPITAL AND SURPLUS REQUIREMENTS

EFFECTIVE DATE: 6/9/94

Passed by the House February 14, 1994
Yeas 96 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1994
Yeas 44 Nays 1

JOEL PRITCHARD

President of the Senate

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2571** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 30, 1994 - 1:21 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2571

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Schmidt, R. Meyers and Dorn; by request of Insurance Commissioner)

Read first time 02/04/94.

1 AN ACT Relating to capital and surplus requirements of insurers;
2 and amending RCW 48.05.340.

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

4 **Sec. 1.** RCW 48.05.340 and 1993 c 462 s 50 are each amended to read
5 as follows:

6 (1) Subject to RCW 48.05.350 and 48.05.360 to qualify for authority
7 to transact any one kind of insurance as defined in chapter 48.11 RCW
8 or combination of kinds of insurance as shown below, a foreign or alien
9 insurer, whether stock or mutual, or a domestic insurer hereafter
10 formed shall possess ~~((and thereafter maintain))~~ unimpaired paid-in
11 capital stock, if a stock insurer, or unimpaired surplus if a mutual
12 insurer, and ~~((shall possess when first so authorized))~~ additional
13 funds in surplus, as follows, and shall thereafter maintain unimpaired
14 a combined total of: (a) The paid-in capital stock if a stock insurer
15 or surplus if a mutual insurer, plus (b) such additional funds in
16 surplus equal to the total of the following initial requirements:

	Paid-in capital	
Kind or kinds	stock or	Additional
of insurance	basic surplus	surplus
Life	\$2,000,000	\$2,000,000
Disability	2,000,000	2,000,000
Life and disability	2,400,000	2,400,000
Property	2,000,000	2,000,000
Marine & transportation	2,000,000	2,000,000
General casualty	2,400,000	2,400,000
Vehicle	2,000,000	2,000,000
Surety	2,000,000	2,000,000
Any two of the following		
kinds of insurance:		
Property, marine &		
transportation, general		
casualty, vehicle,		
surety, disability	3,000,000	3,000,000
Multiple lines (all insurances		
except life and title		
insurance)	3,000,000	3,000,000
Title (in accordance with the		
provisions of chapter 48.29 RCW)		

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) ~~((An))~~ Until December 31, 1996, a foreign or alien insurer holding a certificate of authority to transact insurance in this state immediately prior to ((July 1, 1991)) the effective date of this act, may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority. A domestic insurer holding a certificate of authority to transact insurance in this state immediately prior to the effective date of this act may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such an authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special or additional surplus as required of it under laws in force immediately prior to ((such effective date; and any proposed domestic

1 insurer which is in process of formation or financing under a
2 solicitation permit which is outstanding immediately prior to July 1,
3 1991, shall, if otherwise qualified therefor, be authorized to transact
4 any kind or kinds of insurance upon the basis of the capital and
5 surplus requirements of such an insurer under the laws in force
6 immediately prior to such effective date. The requirements for paid in
7 capital stock, basic surplus, and special surplus that were in effect
8 immediately before July 1, 1991, apply to any completed application for
9 a certificate of authority from a foreign or alien insurer that is on
10 file with the commissioner on July 1, 1991)) the effective date of this
11 act.

12 (4) The commissioner may, by rule, require insurers to maintain
13 additional capital and surplus based upon the type, volume, and nature
14 of insurance business transacted consistent with the methods then
15 adopted by the National Association of Insurance Commissioners for
16 determining the appropriate amount of additional capital and surplus to
17 be required. In the absence of an applicable rule, the commissioner
18 may, after a hearing or with the consent of the insurer, require an
19 insurer to have and maintain a larger amount of capital or surplus than
20 prescribed under this section or the rules under this section, based
21 upon the volume and kinds of insurance transacted by the insurer and on
22 the principles of risk-based capital as determined by the National
23 Association of Insurance Commissioners. This subsection applies only
24 to insurers authorized to write life insurance, disability insurance,
25 or both.

Passed the House February 14, 1994.

Passed the Senate March 4, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.