
HOUSE BILL 1038

State of Washington 58th Legislature 2003 Regular Session

By Representatives Simpson, Cooper, Chase, O'Brien and Upthegrove

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Committee on Financial Institutions & Insurance.

1 AN ACT Relating to insurance for victims of malicious harassment;
2 amending RCW 49.60.030; and adding a new section to chapter 48.30 RCW.

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) This section applies to policies of property insurance if the
7 insured or proposed insured is:

8 (a) An individual;

9 (b) A religious organization;

10 (c) An educational organization; or

11 (d) Any other nonprofit organization that is organized and operated
12 for religious, charitable, or educational purposes.

13 (2) An insurer may not cancel, refuse to issue, or refuse to renew
14 a policy described in subsection (1) of this section solely on the
15 basis that the insured or a similarly situated insured has made one or
16 more claims against a policy during the preceding sixty months for a
17 loss that is the result of malicious harassment under RCW 9A.36.080 and
18 committed against the person or property of the insured.

1 (3) Upon cancellation of or refusal to renew any policy subject to
2 this section after an insured covered by subsection (1) of this section
3 has submitted a claim that is the result of malicious harassment
4 committed against the person or property of the insured, the insurer
5 shall report the cancellation or nonrenewal to the commissioner.

6 (4) A violation of this section is an unfair practice under RCW
7 49.60.030.

8 (5) Nothing in this section prevents an insurer from taking any of
9 the actions set forth in subsection (2) of this section on the basis of
10 criteria that are not made invalid by this section or any other rule or
11 law.

12 **Sec. 2.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read
13 as follows:

14 (1) The right to be free from discrimination because of race,
15 creed, color, national origin, sex, or the presence of any sensory,
16 mental, or physical disability or the use of a trained dog guide or
17 service animal by a disabled person is recognized as and declared to be
18 a civil right. This right shall include, but not be limited to:

19 (a) The right to obtain and hold employment without discrimination;

20 (b) The right to the full enjoyment of any of the accommodations,
21 advantages, facilities, or privileges of any place of public resort,
22 accommodation, assemblage, or amusement;

23 (c) The right to engage in real estate transactions without
24 discrimination, including discrimination against families with
25 children;

26 (d) The right to engage in credit transactions without
27 discrimination;

28 (e) The right to engage in insurance transactions or transactions
29 with health maintenance organizations without discrimination:
30 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
31 48.44.220, (~~(or)~~) 48.46.370, or section 1 of this act does not
32 constitute an unfair practice for the purposes of this subparagraph;
33 and

34 (f) The right to engage in commerce free from any discriminatory
35 boycotts or blacklists. Discriminatory boycotts or blacklists for
36 purposes of this section shall be defined as the formation or execution
37 of any express or implied agreement, understanding, policy or

1 contractual arrangement for economic benefit between any persons which
2 is not specifically authorized by the laws of the United States and
3 which is required or imposed, either directly or indirectly, overtly or
4 covertly, by a foreign government or foreign person in order to
5 restrict, condition, prohibit, or interfere with or in order to exclude
6 any person or persons from any business relationship on the basis of
7 race, color, creed, religion, sex, the presence of any sensory, mental,
8 or physical disability, or the use of a trained dog guide or service
9 animal by a disabled person, or national origin or lawful business
10 relationship: PROVIDED HOWEVER, That nothing herein contained shall
11 prohibit the use of boycotts as authorized by law pertaining to labor
12 disputes and unfair labor practices.

13 (2) Any person deeming himself or herself injured by any act in
14 violation of this chapter shall have a civil action in a court of
15 competent jurisdiction to enjoin further violations, or to recover the
16 actual damages sustained by the person, or both, together with the cost
17 of suit including reasonable attorneys' fees or any other appropriate
18 remedy authorized by this chapter or the United States Civil Rights Act
19 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
20 (42 U.S.C. Sec. 3601 et seq.).

21 (3) Except for any unfair practice committed by an employer against
22 an employee or a prospective employee, or any unfair practice in a real
23 estate transaction which is the basis for relief specified in the
24 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
25 unfair practice prohibited by this chapter which is committed in the
26 course of trade or commerce as defined in the Consumer Protection Act,
27 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
28 matter affecting the public interest, is not reasonable in relation to
29 the development and preservation of business, and is an unfair or
30 deceptive act in trade or commerce.

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