
SUBSTITUTE HOUSE BILL 1128

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Benson, Simpson, Ruderman, Wallace, Hunt, McDermott, Pflug, Campbell and Upthegrove; by request of Insurance Commissioner)

READ FIRST TIME 02/13/03.

1 AN ACT Relating to property insurance for victims of malicious
2 harassment; and adding a new section to chapter 48.18 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 48.18 RCW
5 to read as follows:

6 (1) For the purposes of this section:

7 (a) "Insured" means a current policyholder or a person or entity
8 that is covered under the insurance policy.

9 (b) "Malicious harassment" has the same meaning as RCW 9A.36.080.
10 Under this section, the perpetrator does not have to be identified for
11 an act of malicious harassment to have occurred.

12 (c) "Underwriting action" means an insurer:

13 (i) Cancels or refuses to renew an insurance policy; or

14 (ii) Changes the terms or benefits in an insurance policy.

15 (2) This section applies to property insurance policies if the
16 insured is:

17 (a) An individual;

18 (b) A religious organization;

19 (c) An educational organization; or

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

3 (3) An insurer may not take an underwriting action on a policy
4 described in subsection (2) of this section because an insured has made
5 one or more insurance claims for any loss that occurred during the
6 preceding sixty months that is the result of malicious harassment. An
7 insurer may take an underwriting action due to other factors that are
8 not prohibited by this subsection.

9 (4) If an insured sustains a loss that is the result of malicious
10 harassment, the insured must file a report with the police or other law
11 enforcement authority within thirty days of discovery of the incident.
12 For incidents of malicious harassment occurring prior to the effective
13 date of this act, the insured must file the report within six months of
14 the discovery of the incident. The report must contain sufficient
15 information to provide an insurer with reasonable notice that the loss
16 was the result of malicious harassment.

17 (5) Annually, each insurer must report underwriting actions to the
18 commissioner if the insurer has taken an underwriting action against
19 any insured who has filed a claim during the preceding sixty months
20 that was the result of malicious harassment. The report must include
21 the policy number, name of the insured, location of the property, and
22 the reason for the underwriting action.

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