
HOUSE BILL 3208

State of Washington

58th Legislature

2004 Regular Session

By Representative Delvin

Read first time 03/01/2004. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to personal injury protection coverage for
2 pedestrians accidentally struck by an insured automobile; and amending
3 RCW 48.22.005.

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

5 **Sec. 1.** RCW 48.22.005 and 2003 c 115 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

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

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

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

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

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

1 (3) "Income continuation benefits" means payments for the insured's
2 loss of income from work, because of bodily injury sustained by the
3 insured in an automobile accident, less income earned during the
4 benefit payment period. The combined weekly payment an insured may
5 receive under personal injury protection coverage, worker's
6 compensation, disability insurance, or other income continuation
7 benefits may not exceed eighty-five percent of the insured's weekly
8 income from work. The benefit payment period begins fourteen days
9 after the date of the automobile accident and ends at the earliest of
10 the following:

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

13 (b) Fifty-four weeks from the date of the automobile accident; or

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

15 (4) "Insured automobile" means an automobile described on the
16 declarations page of the policy.

17 (5) "Insured" means:

18 (a) The named insured or a person who is a resident of the named
19 insured's household and is either related to the named insured by
20 blood, marriage, or adoption, or is the named insured's ward, foster
21 child, or stepchild; or

22 (b) A person who sustains bodily injury caused by accident while:

23 (i) Occupying or using the insured automobile with the permission
24 of the named insured; or

25 (ii) A pedestrian accidentally struck by the insured automobile.
26 However, personal injury protection coverage is secondary to other
27 coverages the pedestrian has available for his or her injuries.

28 (6) "Loss of services benefits" means reimbursement for payment to
29 others, not members of the insured's household, for expenses reasonably
30 incurred for services in lieu of those the insured would usually have
31 performed for his or her household without compensation, provided the
32 services are actually rendered. The maximum benefit is forty dollars
33 per day. Reimbursement for loss of services ends the earliest of the
34 following:

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

37 (b) Fifty-two weeks from the date of the automobile accident; or

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

1 (7) "Medical and hospital benefits" means payments for all
2 reasonable and necessary expenses incurred by or on behalf of the
3 insured for injuries sustained as a result of an automobile accident
4 for health care services provided by persons licensed under Title 18
5 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and
6 necessary ambulance, hospital, and professional nursing service.
7 Medical and hospital benefits are payable for expenses incurred within
8 three years from the date of the automobile accident.

9 (8) "Automobile liability insurance policy" means a policy insuring
10 against loss resulting from liability imposed by law for bodily injury,
11 death, or property damage suffered by any person and arising out of the
12 ownership, maintenance, or use of an insured automobile. An automobile
13 liability policy does not include:

- 14 (a) Vendors single interest or collateral protection coverage;
- 15 (b) General liability insurance; or
- 16 (c) Excess liability insurance, commonly known as an umbrella
17 policy, where coverage applies only as excess to an underlying
18 automobile policy.

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

22 (10) "Occupying" means in or upon or entering into or alighting
23 from.

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

26 (12) "Personal injury protection" means the benefits described in
27 this section and RCW 48.22.085 through 48.22.100. Payments made under
28 personal injury protection coverage are limited to the actual amount of
29 loss or expense incurred.

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