
SENATE BILL 5147

State of Washington

58th Legislature

2003 Regular Session

By Senators Winsley and Prentice; by request of Insurance Commissioner

Read first time 01/15/2003. Referred to Committee on Financial Services, Insurance & Housing.

1 AN ACT Relating to regulating automobile insurance; and amending
2 RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, and 48.22.100.

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

4 **Sec. 1.** RCW 48.22.005 and 1993 c 242 s 1 are each amended to read
5 as follows:

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

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

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

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

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

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

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

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

1 (3) "Income continuation benefits" means payments (~~of at least~~
2 ~~eighty-five percent of~~) for the insured's loss of income from work,
3 because of bodily injury sustained by (~~him or her~~) the insured in
4 (~~the~~) an automobile accident, less income earned during the benefit
5 payment period. The combined weekly payment an insured may receive
6 under personal injury protection coverage, worker's compensation,
7 disability insurance, or other income continuation benefits may not
8 exceed eighty-five percent of the insured's weekly income from work.
9 The benefit payment period begins fourteen days after the date of the
10 automobile accident and ends at the earliest of 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) (~~The expiration of not more than fifty-two weeks from the~~
14 ~~fourteenth day~~) Fifty-four weeks from the date of the automobile
15 accident; or

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

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

19 (5) "Insured" means:

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

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

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(~~, and ending~~). The maximum benefit is
33 forty dollars per day. Reimbursement for loss of services ends the
34 earliest of the following:

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

37 (b) (~~The expiration of fifty-two weeks~~) Fifty-two weeks from the
38 date of the automobile accident; or

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

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

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

15 (a) Vendors single interest or collateral protection coverage;

16 (b) General liability insurance; or

17 (c) Excess liability insurance, commonly known as an umbrella
18 policy, where coverage applies only as excess to an underlying
19 automobile policy.

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

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

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

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

31 **Sec. 2.** RCW 48.22.085 and 1993 c 242 s 2 are each amended to read
32 as follows:

33 (1) No new automobile liability insurance policy or renewal of such
34 an existing policy may be issued unless personal injury protection
35 coverage (~~benefits at limits established in this chapter for medical~~
36 ~~and hospital expenses, funeral expenses, income continuation, and loss~~

1 of services sustained by an insured because of bodily injury caused by
2 an automobile accident are)) is offered as an optional coverage.

3 (2) A named insured may reject, in writing, personal injury
4 protection coverage and the requirements of subsection (1) of this
5 section shall not apply. If a named insured (~~(has rejected)~~) rejects
6 personal injury protection coverage(~~(τ)~~):

7 (a) That rejection (~~(shall be)~~) is valid and binding as to all
8 levels of coverage and on all persons who might have otherwise been
9 insured under such coverage(~~(. If a named insured has rejected~~
10 ~~personal injury protection coverage, such coverage shall not be~~
11 ~~included)~~); and

12 (b) The insurer is not required to include personal injury
13 protection coverage in any supplemental, renewal, or replacement policy
14 unless a named insured subsequently requests such coverage in writing.

15 **Sec. 3.** RCW 48.22.090 and 1993 c 242 s 3 are each amended to read
16 as follows:

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

22 ~~(2) Personal injury protection coverage need not be provided))~~ An
23 insurer is not required to provide personal injury protection coverage
24 to or on behalf of:

25 ~~((a))~~ (1) A person who intentionally causes injury to himself or
26 herself;

27 ~~((b))~~ (2) A person who is injured while participating in a
28 prearranged or organized racing or speed contest or in practice or
29 preparation for such a contest;

30 ~~((c))~~ (3) A person whose bodily injury is due to war, whether or
31 not declared, or to an act or condition incident to such circumstances;

32 ~~((d))~~ (4) A person whose bodily injury results from the
33 radioactive, toxic, explosive, or other hazardous properties of nuclear
34 material;

35 ~~((e))~~ (5) The named insured or a relative while occupying a motor
36 vehicle owned by the named insured or furnished for the named insured's

1 regular use, if such motor vehicle is not described on the declaration
2 page of the policy under which a claim is made;

3 ~~((f))~~ (6) A relative while occupying a motor vehicle owned by the
4 relative or furnished for the relative's regular use, if such motor
5 vehicle is not described on the declaration page of the policy under
6 which a claim is made; or

7 ~~((g))~~ (7) An insured whose bodily injury results or arises from
8 the insured's use of an automobile in the commission of a felony.

9 **Sec. 4.** RCW 48.22.095 and 1993 c 242 s 4 are each amended to read
10 as follows:

11 Insurers providing automobile insurance policies must offer minimum
12 personal injury protection coverage for each insured with ~~((maximum))~~
13 benefit limits as follows:

14 (1) Medical and hospital benefits of ten thousand dollars ~~((for~~
15 ~~expenses incurred within three years of the automobile accident))~~;

16 (2) ~~((Benefits for funeral expenses in an amount))~~ A funeral
17 expense benefit of two thousand dollars;

18 (3) Income continuation benefits ~~((covering income losses incurred~~
19 ~~within one year after the date of the insured's injury in an amount))~~
20 of ten thousand dollars, subject to a limit of ~~((the lesser of))~~ two
21 hundred dollars per week ~~((or eighty five percent of the weekly income.~~
22 ~~The combined weekly payment receivable by the insured under any~~
23 ~~workers' compensation or other disability insurance benefits or other~~
24 ~~income continuation benefit and this insurance may not exceed eighty~~
25 ~~five percent of the insured's weekly income))~~; and

26 (4) Loss of services benefits ~~((in an amount))~~ of five thousand
27 dollars, subject to a limit of ~~((forty dollars per day not to exceed))~~
28 two hundred dollars per week ~~((; and~~

29 ~~(5) Payments made under personal injury protection coverage are~~
30 ~~limited to the amount of actual loss or expense incurred))~~.

31 **Sec. 5.** RCW 48.22.100 and 1993 c 242 s 5 are each amended to read
32 as follows:

33 ~~((In lieu of minimum coverage required under RCW 48.22.095))~~ If
34 requested by a named insured, an insurer providing automobile liability
35 insurance policies ~~((shall))~~ must offer ~~((and provide, upon request,))~~

1 personal injury protection coverage for each insured with benefit
2 limits (~~((for each insured of))~~) as follows:

3 (1) (~~((Up to))~~) Medical and hospital benefits of thirty-five thousand
4 dollars (~~((for medical and hospital benefits incurred within three years~~
5 ~~of the automobile accident))~~);

6 (2) (~~((Up to))~~) A funeral expense benefit of two thousand dollars
7 (~~((for funeral expenses incurred))~~);

8 (3) (~~((Up to))~~) Income continuation benefits of thirty-five thousand
9 dollars (~~((for one year's income continuation benefits))~~), subject to a
10 limit of (~~((the lesser of))~~) seven hundred dollars per week (~~((or eighty-~~
11 ~~five percent of the weekly income))~~); and

12 (4) (~~((Up to forty dollars per day for loss of services benefits,~~
13 ~~for up to one year from the date of the automobile accident.~~

14 ~~Payments made under personal injury protection coverage are limited~~
15 ~~to the amount of actual loss or expense incurred))~~ Loss of services
16 benefits of fourteen thousand six hundred dollars.

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