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**SUBSTITUTE SENATE BILL 5193**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley, Horn, Franklin, Kohl-Welles, Oke and Kline; by request of Insurance Commissioner)

READ FIRST TIME 02/24/03.

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 and that law enforcement authority must determine whether the loss was  
13 the result of malicious harassment. For incidents of malicious  
14 harassment occurring prior to the effective date of this act, the  
15 insured must file the report within six months of the discovery of the  
16 incident. The report must contain sufficient information to provide an  
17 insurer with reasonable notice that the loss was the result of  
18 malicious harassment.

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

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