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SENATE BILL 5669

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State of Washington

61st Legislature

2009 Regular Session

By Senator Berkey; by request of Insurance Commissioner

Read first time 01/28/09. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to granting the insurance commissioner certain  
2 authority when the governor declares a state of emergency; amending RCW  
3 48.02.060; and declaring an emergency.

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

5 **Sec. 1.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to  
6 read as follows:

7 (1) The commissioner (~~shall have~~) has the authority expressly  
8 conferred upon him or her by or reasonably implied from the provisions  
9 of this code.

10 (2) The commissioner shall execute his or her duties and shall  
11 enforce the provisions of this code.

12 (3) The commissioner may:

13 (a) Make reasonable rules (~~and regulations~~) for effectuating any  
14 provision of this code, except those relating to his or her election,  
15 qualifications, or compensation. (~~No such~~) Rules (~~and regulations~~  
16 ~~shall be~~) are not effective prior to their being filed for public  
17 inspection in the commissioner's office.

18 (b) Conduct investigations to determine whether any person has  
19 violated any provision of this code.

1 (c) Conduct examinations, investigations, hearings, in addition to  
2 those specifically provided for, useful and proper for the efficient  
3 administration of any provision of this code.

4 (4) When the governor declares a state of emergency under RCW  
5 43.06.010(12), the commissioner may issue an order that addresses any  
6 or all of the following matters related to insurance policies issued in  
7 this state:

8 (a) Reporting requirements for claims;

9 (b) Grace periods for payment of insurance premiums and performance  
10 of other duties by insureds;

11 (c) Temporary postponement of cancellations and renewals; and

12 (d) Medical coverage to ensure access to care.

13 (5) An order by the commissioner under subsection (4) of this  
14 section may remain effective for not more than thirty days unless the  
15 commissioner extends the termination date for the order for an  
16 additional period of not more than thirty days or for subsequent  
17 additional periods of not more than thirty days. The commissioner may  
18 extend the order if, in the commissioner's judgment, the circumstances  
19 warrant an extension. The order must specify, by line of insurance:

20 (a) The geographic areas in which the order applies, which must be  
21 within but may be less extensive than the geographic area specified in  
22 the governor's proclamation of a state of emergency and must be  
23 specific according to an appropriate means of delineation, such as the  
24 United States postal service zip codes or other appropriate means; and

25 (b) The date on which the order becomes effective and the date on  
26 which the order terminates.

27 (6) The commissioner may adopt rules that establish general  
28 criteria for orders issued under subsection (4) of this section and may  
29 adopt emergency rules applicable to a specific proclamation of a state  
30 of emergency by the governor.

31 (7) The rule-making authority set forth in subsection (6) of this  
32 section does not limit or affect the rule-making authority otherwise  
33 granted to the commissioner by law.

34 NEW SECTION. Sec. 2. This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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