



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Addressing the insurance commissioner's powers during a state of emergency.

Insurance Commissioner Matter No. R 2015-17

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060; RCW 48.17.005; RCW 48.17.420; RCW 48.07.205

Reasons why rules on this subject may be needed and what they might accomplish: The Legislature passed RCW 48.02.060(4) in 2009, giving the insurance commissioner authority to issue orders regarding matters related to insurance policies following a proclamation by the governor declaring a state of emergency. RCW 48.02.060(6) gives the commissioner authority to adopt rules that establish general criteria for these orders. To date, the commissioner has not adopted rules. Recently, property & casualty insurers have requested clarifying rules. In light of recent weather and seismic disaster events here and in other states and the fact that other states are considering similar actions or have already adopted rules, the commissioner wants insurers to know what to expect when the governor has proclaimed a state of emergency. The commissioner wants to create rules that protect insurers and insureds during a state of emergency and other emergencies or catastrophes.

These proposed rules would add one or more new sections to WAC 284-02, "Insurance Commissioner's Office – Generally." The rules would establish the general criteria for orders the commissioner issues following a proclamation by the governor declaring a state of emergency. The rules would address definitions of terms relevant to emergency orders and criteria related to issuing emergency orders, reporting requirements for claims, grace periods for payment of insurance premiums and performance of other duties by insureds, temporary postponement of cancellations and nonrenewals, and medical coverage to ensure access to care.

In addition to RCW 48.02, other insurance code provisions recognize the commissioner's authority in emergency situations. Rules affecting these statutes would address adjuster licensing during catastrophes, insurers' emergency planning, and relevant definitions. These rules would also add one or more new sections to WAC 284-02, "Insurance Commissioner's Office – Generally."

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

X Other (describe) Submit written comments by: February 5, 2016

To: Stacy Middleton
PO 40258, Olympia, WA 98504-0258
rulescoordinator@oic.wa.gov
Fax: 360-586-3109

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
December 10, 2015

NAME (TYPE OR PRINT)
Mike Kreidler

SIGNATURE

TITLE
Insurance Commissioner

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STATE OF WASHINGTON
FILED

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