

WASHINGTON

INSURANCE GUARANTY ASSOCIATION ACT

Section

- 48.32.010. Purpose
- 48.32.020. Scope
- 48.32.030. Definitions
- 48.32.040. Creation of the association-Required accounts
- 48.32.050. Board of directors
- 48.32.060. Powers and duties of the association
- 48.32.070. Plan of operation
- 48.32.080. Duties and powers of the commissioner
- 48.32.090. Effect of paid claims
- 48.32.100. Nonduplication of recovery
- 48.32.110. Prevention of insolvencies
- 48.32.120. Examination of the association
- 48.32.130. Tax exemption
- 48.32.140. Repealed
- 48.32.145. Credit against premium tax for assessments paid pursuant to RCW 48.32.060(1)(c)
- 48.32.150. Immunity
- 48.32.160. Stay of proceedings-Setting aside judgment
- 48.32.170. Termination, distribution of fund
- 48.32.900. Short title
- 48.32.901. Effective date-2005 c 100
- 48.32.910. Construction-1971 ex.s. c 265
- 48.32.920. Section headings not part of law
- 48.32.930. Severability-1971 1st ex.s c 265

48.32.010. Purpose

The purpose of this chapter is to provide a mechanism for the payment of covered claims to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders under certain policies of insurance covered by the scope of this chapter because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

Added by Laws 1971, Ex.Sess., ch. 265, § 1, eff. May 21, 1971; Amended by Laws 2005, Reg. Sess., ch. 100, § 1.

48.32.020. Scope

This chapter applies to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, workers' compensation, and ocean marine. Workers' compensation as used in this section does not include longshore and harbor workers' compensation act insurance.

Added by Laws 1971, Ex.Sess., ch. 265, § 2, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 2. Amended by Laws 1987, ch. 185, § 29; Amended by Laws 2005, Reg. Sess., ch. 100, § 2.

48.32.030. Definitions

As used in this chapter:

- (1) "Account" means one of the three accounts created in RCW 48.32.040.
- (2) "Association" means the Washington insurance guaranty association created in RCW 48.32.040.
- (3) "Commissioner" means the insurance commissioner of this state.
- (4) "Covered claim" means;
 - (a) Except for longshore and harbor workers' compensation act insurance, an unpaid claim, including one for unearned premiums, that arises out of and is within the coverage of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the first day of April, 1971 and (i) the claimant or insured is a resident of this state at the time of the insured event; or (ii) the property from which the claim arises is permanently located in this state. "Covered claim" does not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise. However a claim for any such amount asserted against a person insured under a policy issued by an insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool, or underwriting association, would be a "covered claim" may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted in any legal action against the insured of such insolvent insurer. In addition, "covered claim" does not include any claim filed with the association subsequent to the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer and
 - (b) For longshore and harbor workers' compensation act insurance, an unpaid claim, excluding one for unearned premiums, for benefits due an injured worker under the longshore and harbor workers' compensation act that is within the coverage of an

insurance policy to which this chapter applies issued by an insurer if that insurer becomes an insolvent insurer after the effective date of this section and (i) the worksite from which the injury occurred is within this state or on the navigable waters within or immediately offshore of this state, or (ii) the worksite from which the injury occurred is outside this state, the injured worker is a permanent resident of this state, the injured worker is temporarily working at the worksite from which the injury occurred, and the injured worker is not covered under a policy of longshore and harbor workers' compensation insurance issued in another state. "Covered claim" does not include any amount due any insurer, reinsurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

- (5) "Insolvent insurer" means:
 - (a) An insurer (i) authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (ii) determined to be insolvent and ordered liquidated by a court of competent jurisdiction, and which adjudication was subsequent to the first day of April, 1971; and
 - (b) In the case of an insurer writing longshore and harbor workers' compensation act insurance, an insurer (i) authorized to write this class of insurance at the time the policy was written and (ii) determined to be insolvent and ordered liquidated by a court of competent jurisdiction subsequent to the April 20, 2005.
- (6) "Longshore and harbor workers' compensation act" means the longshore and harbor workers' compensation act as defined in U.S.C. Title 33, Chapter 18, 901 et. Seq. and its extensions commonly known as the defense base act, outer continental shelf lands act, non-appropriated funds instrumentalities act, District of Columbia workers' compensation act, and the war hazards act.
- (7) "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under RCW 48.32.020, including the exchange of reciprocal or interinsurance contracts, and (b) holds a certificate of authority to transact insurance in this state.
- (8) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.
- (9) "Person" means any individual, corporation, partnership, association, or voluntary organization.

Added by Laws 1971, Ex.Sess., ch. 265, § 3, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 3; Amended by Laws 2005, Reg. Sess., ch. 100, § 3.

48.32.040. Creation of the association-Required accounts

There is hereby created a nonprofit unincorporated legal entity to be known as the Washington insurance guaranty association. All insurers defined as member insurers in RCW 48.32.030 shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under RCW 48.32.070 and shall exercise its powers through a board of directors established under RCW 48.32.050. For purposes of administration and

assessment, the association shall be divided into three separate accounts: (1) The automobile insurance account; (2) the account for longshore and harbor workers' compensation act insurance; and (3) the account for all other insurance to which this chapter applies.

Added by Laws 1971, Ex.Sess., ch. 265, § 4, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 4; Amended by Laws 2005, Reg. Sess., ch. 100, § 4.

48.32.050. Board of directors

- (1) The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner.
- (2) In approving selections to the board, the commissioner shall consider among other things whether all member insurers are fairly represented. In the event of the insolvency of a member insurer who writes longshore and harbor workers' compensation act insurance, at least one member of the board must represent the interests of this class of insurer, and this member shall be added to the board at the next annual meeting following the insolvency.
- (3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

Added by Laws 1971, Ex. Sess., ch. 265, § 5, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex. Sess., ch. 109, § 5; Amended by Laws 2005, Reg. Sess., ch. 100, § 5.

48.32.060. Powers and duties of the association

- (1) The association shall:
 - (a)(i) For other than covered claims involving the longshore and harbor workers' compensation act, be obligated to the extent of the covered claims existing prior to the order of liquidation and arising within thirty days after the order of liquidation, or before the policy expiration date if less than thirty days after the order of liquidation, or before the insured replaces the policy or on request effects cancellation, if he or she does so within thirty days of the order of liquidation, but such an obligation includes only that amount of each covered claim which is in excess of one hundred dollars and is less than three hundred thousand dollars. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises.
 - (ii) For covered claims involving longshore and harbor workers' compensation act insurance, be obligated to the extent of covered claims for insolvencies occurring after April 20, 2005. This obligation is for the statutory obligations established under the longshore and harbor workers' compensation act. However, the insured employer shall reimburse the association for any deductibles that are owed as part of the insured's obligations.
- (b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

- (c)(i) Allocate claims paid and expenses incurred among the three accounts enumerated in RCW 48.32.040 separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under (a) of this subsection subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under RCW 48.32.110, and other expenses authorized by this chapter. Except as provided for in this subsection for member insurers who write longshore and harbor workers' compensation act insurance the assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the calendar year preceding the assessment on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than two percent of that member insurer's net direct written premiums for the calendar year preceding the assessment on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available may be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association shall pay claims in any order which it may deem reasonable, including the payment of claims in the order such claims are received from claimants or in groups or categories of claims, or otherwise. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer serving as a servicing facility may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by such member insurer if they are chargeable to the account for which the assessment is made.
- (ii) For member insurers who write longshore and harbor workers' compensation act insurance, (c)(i) of this subsection applies except as modified by the following:
- (A) Beginning July 1, 2005, and prior to an insolvency, each member insurer who writes longshore and harbor workers' compensation act insurance in this state, whether on a primary or excess coverage basis, shall be assessed at a rate to be determined by the association, but not more than an annual rate of three percent of the net direct written premium for the calendar year preceding the assessment on this kind of insurance. Insurer assessments prior to an insolvency shall continue until a fund is established that equals four percent of the aggregate net direct premium for the calendar year preceding the assessment on all insurers authorized to write this kind of insurance.
- (B) Subsequent to an insolvency, each member insurer who writes longshore and harbor workers' compensation act insurance in this state, whether on a primary or excess coverage basis, shall be assessed at a rate to be determined by the association, but not more than an annual rate of three percent of the net direct written premium for the calendar year preceding the assessment on this kind of insurance. Insurer assessments

- subsequent to an insolvency shall continue until a fund is established that the association deems sufficient to meet all claim and loan obligations of the fund, provided that the net fund balance may not at any time exceed four percent of the aggregate net direct premium for the calendar year preceding the assessment on all insurers authorized to write this kind of insurance; and
- (C) If any insurer fails to provide its net direct written premium data in an accurate and timely manner upon request by the association, the association may, at its discretion, substitute that insurer's direct written premiums for workers compensation reported or reportable in its statutory annual statement page fourteen data for the state of Washington.
 - (d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims.
 - (e) Notify such persons as the commissioner directs under RCW 48.32.080(2)(a).
 - (f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.
 - (g) Reimburse each servicing facility for obligation of the association paid by the facility and for expenses insured by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.
- (2) The association may:
 - (a) Appear in, defend, and appeal any action on a claim brought against the association.
 - (b) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.
 - (c) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation. If such a loan is related to the account for longshore and harbor workers' compensation act insurance, the association may seek such a loan from the Washington longshore and harbor workers' compensation act insurance assigned risk plan under RCW 48.22.070 or from other interested parties.
 - (d) Sue or be sued.
 - (e) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.
 - (f) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.
 - (g) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.
 - (3) The association shall not access any funds from the automobile insurance account or the account for all other insurance to which this chapter applies to cover the cost of claims

or administration arising under the account for longshore and harbor workers' compensation act insurance.

Added by Laws 1971, Ex.Sess., ch. 265, § 6, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 6; Amended by Laws 2005 Reg. Sess., ch. 100, § 6.

48.32.070. Plan of operation

- (1)(a) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.
- (b) If the association fails to submit a suitable plan of operation within ninety days following May 21, 1971 or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.
- (2) All member insurers shall comply with the plan of operation.
- (3) The plan of operation shall:
 - (a) Establish the procedures whereby all the powers and duties of the association under RCW 48.32.060 will be performed.
 - (b) Establish procedures for handling assets of the association.
 - (c) Establish the amount and method of reimbursing members of the board of directors under RCW 48.32.050.
 - (d) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another state by the receiver or liquidator.
 - (e) Establish regular places and times for meetings of the board of directors.
 - (f) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.
 - (g) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within thirty days after the action or decision.
 - (h) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner.
 - (i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.
- (4) The plan of operation may provide that any or all powers and duties of the association, except those under RCW 48.32.060 subsections (1)(c) and (2)(c), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would

be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

Added by Laws 1971, Ex.Sess., ch. 265, § 7, eff. May 21, 1971.

48.32.080. Duties and powers of the commissioner

- (1) The commissioner shall:
 - (a) Notify the association promptly whenever he or she or any of his or her examiners has, or comes into, possession of any data or information relative to any insurer under his or her jurisdiction for any purpose indicating that such insurer is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency.
 - (b) Furnish to the association copies of all preliminary and final audits, investigations, memorandums, opinions, and reports relative to any insurer under his or her jurisdiction for any purpose, promptly upon the preparation of any thereof.
 - (c) Notify the association of the existence of an insolvent insurer not later than three days after he (they missed this one) receives notice of the determination of the insolvency. The association shall be entitled to a copy of any complaint seeking an order of liquidation with a finding of insolvency against a member insurer at the same time such complaint is filed with a court of competent jurisdiction.
 - (d) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.
- (2) The commissioner may:
 - (a) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication or in a newspaper of general circulation shall be sufficient.
 - (b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.
 - (c) Revoke the designation of any servicing facility if he or she finds claims are being handled unsatisfactorily.
- (3) Whenever the commissioner or any of his or her examiners comes into possession of or obtains any data or information indicating that any insurer under his or her jurisdiction for any purpose is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency, he or she shall within fifteen days of having such data or information commence investigation and/or take formal action relative to any such insurer, and in addition within said time shall notify the association of such condition.

Upon failure of the commissioner so to act, the association is hereby authorized and directed to act and commence appropriate investigation or proceedings or may at its option refer the matter to the attorney general for appropriate action relative to which the attorney general shall keep the association advised throughout any such action or proceedings.

- (4) Any final action or order of the commissioner under this chapter shall be subject to judicial review in a court of competent jurisdiction.

Added by Laws 1971, Ex.Sess., ch. 265, § 8, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 7, 2009 c 549 § 7138, eff. July 26, 2009.

48.32.090. Effect of paid claims

- (1) Any person recovering under this chapter shall be deemed to have assigned his or her rights under the policy to the association to the extent of his or her recovery from the association. Every insured or claimant seeking the protection of this chapter shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out.
- (2) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this chapter against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.
- (3) The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the right of the association against the assets of the insolvent insurer.

Added by Laws 1971, Ex.Sess., ch. 265, § 9, eff. May 21, 1971, 2009 c 549 § 7139, eff. July 26, 2009.

48.32.100. Nonduplication of recovery

- (1) Any person having a claim against his or her insurer under any provision in his or her insurance policy which is also a covered claim shall be required to exhaust first any right under that policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of a recovery under the claimant's insurance policy.
- (2) Any person having a claim that may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, from the association of the location of the property, and if it is a workers' compensation claim or a longshore and harbor workers' compensation act claim, from the association of the permanent residence of the claimant. Any recovery under this chapter shall be reduced by the amount of the recovery from any other insurance guaranty association or its equivalent.

Added by Laws 1971, Ex.Sess., ch. 265, § 10, eff. May 21, 1971. Amended by Laws 1987, ch. 185, § 30; Amended by Laws 2005, Reg. Sess., ch. 100, § 7.

48.32.110. Prevention of insolvencies

To aid in the detection and prevention of insurer insolvencies:

- (1) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.
- (2) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with subsection (3) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.
- (3) It shall be the duty of the commissioner to report to the board of directors when he or she has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.
- (4) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.
- (5) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.
- (6) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

Added by Laws 1971, Ex.Sess., ch. 265, § 11, eff. May 21, 1971, 2009 c 549 § 7140, eff. July 26, 2009.

48.32.120. Examination of the association

The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 30th of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

Added by Laws 1971, Ex.Sess., ch. 265, § 12, eff. May 21, 1971.

48.32.130. Tax exemption

The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

Added by Laws 1971, Ex.Sess., ch. 265, § 13, eff. May 21, 1971.

48.32.140. Repealed by Laws 1977, Ex.Sess., ch. 183, § 3

48.32.145. Credit against premium tax for assessments paid pursuant to RCW 48.32.060(1)(c)

Every member insurer that prior to April 1, 1993, or after the July 27, 1997, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) shall be entitled to take, as a credit against any premium tax falling due under RCW 48-14-020. The amount of the credit shall be one-fifth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. Whenever the allowable credit is or becomes less than one thousand dollars, the entire amount if of the credit may be offset against the premium tax at the next time the premium tax is paid.

Added by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 11. Amended by Laws 1977, Ex.Sess., ch. 183, § 1; Amended by Laws 1993, Ex, Sess., ch. 25, § 901; Amended by Laws 1997, ch. 300, § 1, eff. 7-27-97.

48.32.150. Immunity

There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his or her representatives for any action taken by them in the performance of their powers and duties under this chapter.

Added by Laws 1971, Ex.Sess., ch. 265, § 15, eff. May 21, 1971, 2009 c 549 § 7141, eff. July 26, 2009.

48.32.160. Stay of proceedings-Setting aside judgment

All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this state shall be stayed for one hundred eighty days and such additional time thereafter as may be fixed by the court from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. Any judgment under any decision, verdict, or finding based on default of the insolvent insurer or on its failure to defend an insured which is unsatisfied at the date the insolvency is determined shall be set aside on the motion of the association and the association shall be permitted to defend such claim on the merits.

Added by Laws 1971, Ex.Sess., ch. 265, § 16, eff. May 21, 1971. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 109, § 8.

48.32.170. Termination, distribution of fund

- (1) The commissioner shall by order terminate the operation of the Washington insurers insolvency pool as to any kind of insurance afforded by property or casualty insurance policies with respect to which he or she has found, after hearing, that there is in effect a statutory or voluntary plan which:
 - (a) Is a permanent plan which is adequately funded or for which adequate funding is provided; and
 - (b) Extends, or will extend to state policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents than the protection and benefits provided with respect to such kind of insurance under this chapter.
- (2) The commissioner shall by the same such order authorize discontinuance of future payments by insurers to the Washington insurers insolvency pool with respect to the same kinds of insurance: Provided, That assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.
- (3) In the event the operation of any account of the Washington insurers insolvency pool shall be so terminated as to all kinds of insurance otherwise within its scope, the pool as soon as possible thereafter shall distribute the balance of the moneys and assets remaining in said account (after discharge of the functions of the pool with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in this state policies of the kinds of insurance covered by such account, and which had made payments into such account, pro rata upon the basis of the aggregate of such payments made by the respective insurers to such account during the period of five years next preceding the date of such order. Upon completion of such distribution with respect to all of the accounts specified in RCW 48.32.060, this chapter shall be deemed to have expired.

Added by Laws 1971, Ex.Sess., ch. 265, § 17, eff. May 21, 1971, 2009 c 549 § 7142, eff. July 26, 2009.

48.32.900. Short title

This chapter shall be known and may be cited as the Washington Insurance Guaranty Association Act.

Added by Laws 1971, Ex.Sess., ch. 265, § 18, eff. May 21, 1971.

48.32.901. Effective Date 2005 c 100

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately Added by Laws 2005 c 100 § 8, eff 7-24-05.

48.32.910. Construction-1971 ex.s. c 265

This chapter shall be liberally construed to effect the purpose under RCW 48.32.010 which shall constitute an aid and guide to interpretation.

Added by Laws 1971, Ex.Sess., ch. 265, § 19, eff. May 21, 1971.

48.32.920. Section headings not part of law

Section headings as used in this chapter do not constitute any part of the law.

Added by Laws 1971, Ex. Sess., ch. 265, § 22, eff. May 21, 1971.

48.32.930. Severability-1971 ex.s. c 265

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Added by Laws 1971, Ex.Sess., ch. 265, § 23, eff. May 21, 1971.