

CHAPTER 107  
[ House Bill No. 721 ]  
INSURANCE--HEARINGS, APPEALS  
PROCEDURE

AN ACT Relating to insurance; amending section .17.33, chapter 79, Laws of 1947, as amended by section 28, chapter 303, Laws of 1955, and RCW 48.17.330; amending section .17.54, chapter 79, Laws of 1947 as amended by section 24, chapter 150, Laws of 1967 and RCW 48.17.540; amending section .31.01, chapter 79, Laws of 1947 as amended by section 11, chapter 194, Laws of 1961 and RCW 48.31.010; repealing section .04.04, chapter 79, Laws of 1947, section 17, chapter 237, Laws of 1967 and RCW 48.04.040; and repealing section .04.09, chapter 79, Laws of 1947, section 18, chapter 237, Laws of 1967 and RCW 48.04.090.

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

Section 1. Section .17.33, chapter 79, Laws of 1947, as amended by section 28, chapter 303, Laws of 1955 and RCW 48.17.330 are each amended to read as follows:

(1) The commissioner may license as ((a life and/or disability insurance)) an agent ((only)) or as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of or domiciled in this state, if by the laws of the state or province of his residence or domicile a similar privilege is extended to residents of or corporations domiciled in this state.

(2) Any such licensee shall be subject to the same obligations and limitations, and to the commissioner's supervision as though resident or domiciled in this state, subject to RCW 48.14.040.

(3) No such person shall be so licensed unless he files the power of attorney provided for in RCW 48.17.340, and, if a corporation, it must have complied with the laws of this state governing the admission of foreign corporations.

Sec. 2. Section .17.54, chapter 79, Laws of 1947 as amended by section 24, chapter 150, Laws of 1967 and RCW 48.17.540 are each amended to read as follows:

(1) The commissioner shall revoke or refuse to renew any such license immediately and without hearing, upon conviction of the licensee of a felony by final judgment of any court of competent jurisdiction.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By order given to the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) by an order on hearing made as provided in RCW

((48-04-699)) 34.04.120 effective ((as of)) not less than ten days after date of the giving of the order, subject to the right of the licensee to appeal to the superior court ((for Thurston county as provided in chapter 48-04)).

Sec. 3. Section .31.01, chapter 79, Laws of 1947 as amended by section 11, chapter 194, Laws of 1961 and RCW 48.31.010 are each amended to read as follows:

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section .04.04, chapter 79, Laws of 1947, section 17, chapter 237, Laws of 1967 and RCW 48.04.040; and

(2) Section .04.09, chapter 79, Laws of 1947, section 18, chapter 237, Laws of 1967 and RCW 48.04.090.

NEW SECTION. Sec. 5. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 14, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

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CHAPTER 108  
[House Bill No. 731]  
NURSING HOMES--PSYCHIATRIC  
CARE AUTHORIZED

AN ACT Relating to nursing homes; and amending section 2, chapter 117, Laws of 1951 as amended by section 1, chapter 160, Laws of 1953 and RCW 18.51.010.

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

Section 1. Section 2, chapter 117, Laws of 1951 as amended by section 1, chapter 160, Laws of 1953 and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons ((if they do not require psychiatric treatment by or under the supervision of a physician who devotes all or a major portion of his time to this specialized field of medicine)). Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or