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**HOUSE BILL 1326**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Kirby and Shea

AN ACT Relating to examinations under oath when a person claims a loss under an insurance contract; and amending RCW 48.18.460.

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

**Sec.**  RCW 48.18.460 and 1995 c 285 s 17 are each amended to read as follows:

(1) An insurer shall furnish, upon request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion. ((~~If~~)) When a person makes a claim under a policy of insurance, the insurer may require that the person be examined under an oath administered by a person authorized by state or federal law to administer oaths. However, the policy of insurance must contain a provision for conducting an examination under oath.

(2)(a) All requests for examinations under oath by an insurer must be reasonable and made within ninety days after a written claim or form of proof of loss has been made by a person making a claim under the policy of insurance.

(b) If requested, an insurer must provide the person being examined with copies of all statements the insurer has taken from that person no later than three business days prior to conducting an examination under oath.

(c) In all cases where an examination under oath has been taken, the insurer must furnish at its own expense to the person making a claim under a policy of insurance the signed transcript of the examination under oath within thirty days thereafter.

(d) Within sixty days after furnishing a signed transcript to the person making a claim under a policy of insurance, the insurer must issue a claims acceptance or denial, or provide a written reservation of rights detailing any and all reasons why the claim cannot be accepted and paid to a person making such a claim.

(3) A policy of underinsured motorist coverage issued under RCW 48.22.030 may not contain a provision authorizing the taking of an examination under oath.

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