
HOUSE BILL 1326

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kirby and Shea

Read first time 01/17/17. Referred to Committee on Business & Financial Services.

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

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

4 **Sec. 1.** RCW 48.18.460 and 1995 c 285 s 17 are each amended to
5 read as follows:

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

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

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

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

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

14 (3) A policy of underinsured motorist coverage issued under RCW
15 48.22.030 may not contain a provision authorizing the taking of an
16 examination under oath.

--- END ---