

WAC 284-24D-362 What process must a person use to estimate economic damages? If a reporting entity makes indemnity payments to a claimant that include compensation for future economic damages, the person calculating damages must use the principles listed in this section.

(1) Where appropriate, the person estimating economic damages must:

(a) Project the elements of loss listed in WAC 284-24D-360:

(i) For the duration of the injury or disability; or

(ii) In the event of death, for the anticipated life span of the injured person; and

(b) Discount damages to present value;

(c) Consider related factors, such as:

(i) Issues of negligence and liability;

(ii) The relative strength of the defense; and

(iii) The component of the claim payment driven by economic damages.

(2) Reporting entities must select reasonable discount factors when estimating economic damages.

[Statutory Authority: RCW 48.02.060, 48.140.060, and 7.70.140. WSR 07-12-057 (Matter No. R 2006-02), § 284-24D-362, filed 6/4/07, effective 7/22/07.]