

ESSB 5726 - H AMD TO H IFSCP COMM AMD (H-3265.2/07) **545**
By Representative Ericks

ADOPTED 4/5/2007

1 On page 3, after line 31 of the amendment, insert the
2 following:

3 "(7)(a) Twenty days prior to filing an action based on this
4 section, a first party claimant must provide written notice of the
5 basis for the cause of action to the insurer and office of the
6 insurance commissioner. Notice may be provided by regular mail,
7 registered mail, or certified mail with return receipt requested.
8 Proof of notice by mail may be made in the same manner as
9 prescribed by court rule or statute for proof of service by mail.
10 The insurer and insurance commissioner are deemed to have received
11 notice three business days after the notice is mailed.

12 (b) If the insurer fails to resolve the basis for the action
13 within the twenty day period after the written notice by the first
14 party claimant, the first party claimant may bring the action
15 without any further notice.

16 (c) The first party claimant may bring an action after the
17 required period of time in subsection (a) of this subsection has
18 elapsed.

19 (d) If a written notice of claim is served under (a) of this
20 subsection within the time prescribed for the filing of an action
21 under this section, the statute of limitations for the action is
22 tolled during the twenty day period of time in (a) of this
23 subsection."

EFFECT: A first party claimant must give written notice to the insurer and the Office of the Insurance Commissioner twenty days before filing suit. Notice is deemed to be received three business days after it is mailed. The statute of limitation is tolled for the twenty day period.