
SENATE BILL 6494

State of Washington

55th Legislature

1998 Regular Session

By Senators Winsley, Prentice, Kohl and Oke

Read first time 01/20/98. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to consumer choices in automotive repair; adding
2 new sections to chapter 48.30 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.30 RCW
5 to read as follows:

6 (1) In any claim situation, an insurer shall make a good faith
7 effort to honor a claimant's request for repairs to be made in a
8 specific repair shop of the claimant's choice, and may not arbitrarily
9 deny such a request. A denial of such a request solely because of the
10 repair shop's hourly rate is arbitrary if the rate does not result in
11 a higher overall cost of repairs. The insurer shall make an
12 appropriate notation in its claim file setting forth the reason it
13 rejected a claimant's request.

14 (2) In recognition of a claimant's right to choose a specific
15 automotive repair shop, the insurer may not engage in any act causing
16 or intended to cause a claimant to believe the claimant does not have
17 the right to choose a specific automotive repair shop.

18 (3) Nothing in this section is intended to prevent an insurer from
19 recommending an automotive repair shop to the claimant, if:

1 (a) The insurer does not violate the restrictions described in
2 subsections (1) and (2) of this section;

3 (b) The insurer verbally makes the following disclosure during a
4 conversation with the claimant:

5 YOU ARE NOT REQUIRED TO HAVE YOUR VEHICLE REPAIRED BY A PERSON
6 OR BUSINESS WE SELECT OR RECOMMEND; and

7 (c) The claimant's policy contains the following statement with a
8 minimum of ten-point type:

9 YOU ARE NOT REQUIRED TO HAVE YOUR VEHICLE REPAIRED BY A PERSON
10 OR BUSINESS WE SELECT OR RECOMMEND.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.30 RCW
12 to read as follows:

13 The legislature finds that the practices covered by section 1 of
14 this act are matters vitally affecting the public interest for the
15 purpose of applying the consumer protection act, chapter 19.86 RCW. A
16 violation of section 1 of this act is not reasonable in relation to the
17 development and preservation of insurance and business practices and is
18 an unfair or deceptive act in trade or commerce and an unfair method of
19 competition for the purpose of applying the consumer protection act,
20 chapter 19.86 RCW.

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