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HOUSE BILL 1492

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Simpson, Campbell, Kirby, VanDeWege, Williams, Chase, Wood and Santos

Read first time 01/22/2007. Referred to Committee on Insurance, Financial Service & Consumer Protection.

1            AN ACT Relating to arbitration under certain insurance policies;  
2 and amending RCW 48.22.085.

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

4            **Sec. 1.** RCW 48.22.085 and 2003 c 115 s 2 are each amended to read  
5 as follows:

6            (1) No new automobile liability insurance policy or renewal of such  
7 an existing policy may be issued unless personal injury protection  
8 coverage is offered as an optional coverage.

9            (2) A named insured may reject, in writing, personal injury  
10 protection coverage and the requirements of subsection (1) of this  
11 section shall not apply. If a named insured rejects personal injury  
12 protection coverage:

13            (a) That rejection is valid and binding as to all levels of  
14 coverage and on all persons who might have otherwise been insured under  
15 such coverage; and

16            (b) The insurer is not required to include personal injury  
17 protection coverage in any supplemental, renewal, or replacement policy  
18 unless a named insured subsequently requests such coverage in writing.

1       (3) All automobile liability insurance policies sold in this state  
2 that contain personal injury protection coverage benefits shall contain  
3 binding arbitration clauses to resolve disputes between the insured and  
4 the insurer regarding the amount of medical and hospital expenses,  
5 funeral expenses, income continuation, and loss of services sustained  
6 by an insured because of bodily injury caused by an automobile  
7 accident.

8       When a dispute regarding the amount of personal injury protection  
9 coverage benefits arises, arbitration may be requested by either the  
10 insurer or insured. In any event, a request for arbitration must be  
11 made in writing and the parties shall select an arbitrator to hear the  
12 dispute within thirty days of a written request. The failure to agree  
13 on an arbitrator within the required time is resolved under RCW  
14 7.04A.110. When arbitration results in additional benefits to the  
15 insured, the costs of the arbitrator shall be paid by the insurer,  
16 along with the reasonable attorneys' fees and actual litigation costs  
17 including expert witness fees, incurred in establishing the insured's  
18 claim to additional benefits.

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