
Business & Financial Services Committee

HB 1326

Brief Description: Addressing examinations under oath when a person claims a loss under an insurance contract.

Sponsors: Representatives Kirby and Shea.

Brief Summary of Bill

- Specifies the examination under oath process when claim of loss is made under an insurance policy.

Hearing Date: 1/25/17

Staff: Robbi Kesler (786-7153).

Background:

An insurer may require that a person claiming to have a loss under an insurance policy be examined under oath.

An examination under oath (EUO) is an interview conducted by the insurer, or insurer's representative, that takes place after the person being questioned has been sworn in by someone authorized by state or federal law to administer an oath. A person that makes a materially false statement that he or she knows to be false while under oath during an insurance EUO is guilty of perjury in the second degree, a class C felony.

Summary of Bill:

An EUO can be required when the insurance policy contains a provision which allows for it. The EUO request must be reasonable and made within 90 days after person makes a written claim or form of proof of loss.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If requested, the insurer must provide the person being examined with copies of all statements the person has made to the insurer no later than three business days prior to the EUO. After the EUO takes place the insurer, at its own expense, must provide a copy of the signed transcript of the EUO to the person making the claim within 30 days of the EUO.

Within 60 days, after providing a copy of the transcript to the person making the claim, the insurer must issue an acceptance or denial of the claim, or provide a written reservation of rights detailing any and all reasons the claim is not accepted and paid.

Underinsured motorist coverage may not contain a provision authorizing an EUO.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.