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SENATE BILL 5521

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Kuderer, Pedersen, Frockt, Hasegawa, Llias, and Cleveland

Read first time 01/26/17.      Referred to Committee on Financial  
Institutions & Insurance.

1            AN ACT Relating to examinations under oath when a person claims a  
2      loss under an insurance contract; and amending RCW 48.18.460.

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

4            **Sec. 1.**    RCW 48.18.460 and 1995 c 285 s 17 are each amended to  
5      read as follows:

6            (1) An insurer shall furnish, upon request of any person claiming  
7      to have a loss under any insurance contract, forms of proof of loss  
8      for completion by such person. But such insurer shall not, by reason  
9      of the requirement so to furnish forms, have any responsibility for  
10     or with reference to the completion of such proof or the manner of  
11     any such completion or attempted completion. (~~(If)~~) When a person  
12     makes a claim under a policy of insurance, the insurer may require  
13     that the person be examined under an oath administered by a person  
14     authorized by state or federal law to administer oaths. However, the  
15     policy of insurance must contain a provision for conducting an  
16     examination under oath.

17            (2)(a) All requests for examinations under oath by an insurer  
18     must be reasonable and made within ninety days after a written claim  
19     or form of proof of loss has been made by a person making a claim  
20     under the policy of insurance.

1       (b) In all cases where an examination under oath has been taken,  
2 the insurer must furnish at its own expense to the person making a  
3 claim under a policy of insurance the signed transcript of the  
4 examination under oath within thirty days thereafter.

5       (c) Within sixty days after furnishing a signed transcript to the  
6 person making a claim under a policy of insurance, the insurer must  
7 issue a claims acceptance or denial, or provide a written reservation  
8 of rights detailing any and all reasons why the claim cannot be  
9 accepted and paid to a person making such a claim.

10       (3) A policy of underinsured motorist coverage issued under RCW  
11 48.22.030 may not contain a provision authorizing the taking of an  
12 examination under oath.

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