

OIC Rules Coordinator

From: Harvey Grad <harvey@harveygradlaw.com>
Sent: Friday, August 8, 2025 12:01 PM
To: OIC Rules Coordinator
Subject: R2025-05 First Prepublication draft comment

External Email

Dear OIC -

I am writing in support of the proposed amendments to the WAC. These amendments are important to ensure the rules are fair and that the insurance / defense industry is not an all-powerful Goliath who chooses to ensure an oppressive and unfair burden on plaintiffs and claimants.

About me ... 49 years of practicing law, 50 years in Seattle, WA since leaving California right after finishing law school and (successfully) completing the California bar. I have been representing Social Security claimants for 46-47 years of that time, and for the balance criminal defense (although no longer) and still handling plaintiff injury claims. I am a member of WSAJ and NOSSCR (the former Washington state (plaintiff's) trial lawyers) and the latter for Social Security Claimants' Representatives. (If I had the technical skills I would have put the logos in my signature box).

I am admitted in CA and WA, the federal courts here, the Ninth Circuit Court of Appeals, and since 1980 the United States Supreme Court.

Plaintiffs and Claimants are not looking to game the system, they are just looking for fair rules by which to assert their claims.

I understand the proposed rules direct this conduct:

- Requires insurers communicate better and more promptly with 1st and 3rd party claimants.
- Clarifies and updates WAC regulations and definitions which were unclear and, as a result, were ineffective and often ignored by insurers.
- Grants insurance customers access to their claim files.
- Prohibits insurers from providing false information to reporting agencies, thereby making it harder for customers to get insurance.
- Prohibits insurers from deciding claims based only on a database and without doing an investigation.
- Prohibits insurers from unfairly rejecting mitigation costs in emergency situations after real property damage.
- Harmonizes the WAC language with Washington case law, which has established that a single violation of the WAC insurance regulations is an unfair practice that may constitute a violation of the Consumer Protection Act or bad faith.
- Prohibits insurers from unfairly interfering with insurance appraisals.

- Allows insurance customers to demand in-person inspections of vehicle damage if photos are insufficient.
- Adds more regulations on how insurers evaluate vehicle damage and communicate during that process.

This is a positive turn towards fair resolution of contested claims between adversaries and ensuring the insurance/defense industry cannot overreach.

I commend you for these draft rules and do urge the adoption to allow for fair regulation of the insurance community and to ensure a "fair fight" when we cannot come to agreement.

Respectfully yours,

Harvey Grad

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Harvey Grad

Harvey Grad, PS
A Professional Service Corporation
323 Queen Anne Ave. N., Suite 102
Seattle, WA 98109
P: 206-331-3927
F: 206-327-9284

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