

## OIC Rules Coordinator

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**From:** Pat LePley <phl@lepleylawfirm.com>  
**Sent:** Friday, August 8, 2025 2:24 PM  
**To:** OIC Rules Coordinator  
**Subject:** R 2025-05 first prepublication draft comment

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### External Email

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To: Rules Coordinator and the Honorable Patty Kuderer Insurance Commissioner of the State of Washington

I have had the distinct honor and Privilege of practicing Law in Washington state for 49 years primarily handling Insurance Litigation.

I have read through the proposed rules changes and amendments to the Washington Administrative Code that have been published on July 31, 2025.

I commend the Office of the Insurance Commissioner for undertaking this much needed effort to amend and clarify the minimum standards regulating Insurers in this state.

In particular I support the changes being requested defining “ Claims “ and “ Reasonable Investigations “.

No particular words or special language should be necessary for a first party insured to make a claim and for the Insurance carrier to know and understand that a claim has in fact been made against a policy the insured has purchased.

A reasonable investigation by an Insurer should mean “ making a reasonable effort to determine not only whether an insurance policy covers the claimed loss, but the nature and extent of the damages covered under the policy.”

Furthermore, if damages under a policy are covered and a determined loss is known, those undisputed policy benefits payable should be paid promptly to the insured when that amount has been reasonably determined.

I further commend the Commissioner for addressing the area of “ emergency mitigation “ services in property and casualty losses. Insureds are not usually knowledgeable or sophisticated regarding the expectations of the company performing mitigation services, or the fact that by authorizing such services that the insured may be responsible for charges for services if the Insurer refuses or fails to cover those services, or there are limitations or coverage limitations for the insureds losses. Insurers have a duty to inform the insureds of the nature and extent of that coverage and any limitations before non covered policy benefits are incurred. In authorizing mitigation and clean -up services Insurers should be prohibited from cutting corners or refusing to pay for covered benefits that would allow proper clean-up and mitigation of the damages sustained during a loss.

Thank you for considering my comments on the proposed changes to the Washington Administrative Code.

Patrick LePley

