

OIC Rules Coordinator

From: Shaun Callahan <scallahan@glpattorneys.com>
Sent: Monday, August 4, 2025 1:38 PM
To: OIC Rules Coordinator
Subject: R2025-05 First Prepublication draft comment"

External Email

To the Office of Insurance Commissioner,

I am a personal injury attorney representing people who have been injured as the result of negligence of another person here in Washington. I have practiced in this area for the past 10 years. I am writing in support of the proposed changes to WAC 284-30-300 through 400. These changes would:

1. Require insurers communicate better and more promptly with 1st and 3rd party claimants.
2. Clarify and update WAC regulations and definitions which were unclear and, as a result, were ineffective and often ignored by insurers.
3. Grant insurance customers access to their claim files.
4. Prohibit insurers from providing false information to reporting agencies, thereby making it harder for customers to get insurance.
5. Prohibit insurers from deciding claims based only on a database and without doing an investigation.
6. Prohibit insurers from unfairly rejecting mitigation costs in emergency situations after real property damage.
7. Harmonize 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.

Recently, I have had multiple cases where first party insurers have refused to communicate with their insureds, even to the point of refusing to advise as to their evaluations in a UIM context. Currently, the WACs do not address these sorts of actions, which is perplexing because of course insurers should have a duty to timely communicate with their insureds and to do so in a substantive way. It is becoming clear that insurers are attempting to use gray areas in the WACs to avoid acting in good faith towards their own insureds. This will only end in more costly litigation if left unaddressed. Instead, it would be much better for all involved to clarify the rules and uphold the duty of good faith and fair dealing so that everyone understands that insurance companies are not free to abuse their policy holders as they so freely do in other jurisdictions. Make no mistake, without these needed clarifications, these billion-dollar companies will continue exploiting these gray areas to try and avoid their duties to Washingtonians. We need the OIC to weigh in to help address the inherent power imbalance between insurers and policyholders. I am happy to elaborate if OIC has any questions about the precise conduct I and my clients have been dealing with of late.

Sincerely,

-Shaun



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