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Dear Commissioner Kuderer and Rules Coordinator,

<mailto:rulescoordinator@oic.wa.gov>

Thank you for the opportunity to provide additional feedback on the proposed rules update to Washington administrative code 284.30.

Unlike other States, Washington does not have clear rules illustrating a consumer right to choose a repair facility for the repair to their vehicle and an insurers duty to honor the choice of the claimant. While this right is inherently obvious to a legal professional, as the vehicle belongs to the claimant, most consumers are regularly misled by unscrupulous practices of some bad actors.

Below is a proposed revision to **WAC 284-30-390** of the Washington State regulations, strengthening the consumer's right to choose an automobile repair facility. These proposed changes incorporate unfair claims practice rules from **California, Oregon, and Minnesota**, anti-steering laws as persuasive models.

This proposal is in addition to the new rules already proposed by the Commissioner for section 390.

Proposed Revisions to WAC 284-30-390

Strengthening Consumer Right to Choose Repair Facility

(1) *[Existing]* Failing to make a good-faith effort to inspect the damaged vehicle, and communicate with the claimant and repair facility chosen by the claimant...

(2) *[New Mandatory Disclosure]* Prior to making any recommendation to the claimant regarding a repair facility, the insurer must clearly inform the claimant in writing (electronically or paper) of their unequivocal right to select any licensed repair facility of their choice, regardless of whether the insurer has a network or relationship with specific shops.

- **Model Language (modified from Oregon ORS 746.280):**

“OREGON LAW PROHIBITS INSURERS FROM REQUIRING YOU TO GET REPAIRS AT A PARTICULAR MOTOR VEHICLE REPAIR SHOP. YOU HAVE THE RIGHT TO SELECT THE MOTOR VEHICLE REPAIR SHOP OF YOUR CHOICE.”

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(3) *[Prohibition of Steering or Coercion]* If the insurer recommends a facility, such recommendation shall not include misleading, coercive, or preferential treatment language. The claimant must not be pressured or financially penalized for choosing a different repair shop.



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- **Model Language (Minnesota 72A.201 anti-coercion):**
"Minnesota law gives you the right to go to any [vendor] you choose, and prohibits me from pressuring you to choose a particular vendor." [Buerkle Body Shop+5Repairer Driven News+5Legislative Auditor+5](#)

(4) *[No Limitation of Payment]* If the claimant chooses a facility other than one recommended by the insurer, the insurer may not limit payment for repairs that restore the vehicle to pre-loss condition—including safety, function, and appearance—beyond what is allowed in the insurance policy.

- **Model Language (Oregon ORS 746.280 subsection (3)):**
“...the insurer may not limit the cost of repairs necessary to return the motor vehicle to a pre-loss condition relative to safety, function and appearance other than as stated in the policy or as otherwise allowed by law.” [Legislative Auditor+15OregonLaws+15Fender Bender+15](#)

(5) *[Disclosure When Recommending]* If the claimant accepts the insurer’s recommended facility, the insurer must provide written notice—within three business days—that:

- a) The vehicle will be repaired to pre-loss condition regarding safety, function, and appearance.
- b) No additional cost will be incurred by the claimant, other than as permitted under their policy.

- **Model Language (Oregon ORS 746.280 subsection (4)):** [Fender BenderMobile Dent Repair Training](#)

(6) *[Written Acknowledgement]* If the insurer obtains a written acknowledgment from the claimant (e.g., as done in anti-steering laws in California/Connecticut), it must be voluntary and include clear language informing the claimant of their right to choose a shop.

- Inspired by **California’s AB 1200 anti-steering law**, which requires insurers only to recommend if requested or after informing consumers of their right to choose. [Wikipedia+15LegiFacts+15Mobile Dent Repair Training+15](#)
- Also aligns with **Connecticut model** requiring insurers to obtain written acknowledgment from consumers about their right to choose. [Fender Bender](#)

Summary— Consumer Protection Enhancements

- **Clear, proactive disclosure** of right to choose repair facility.
- **Ban on steering or coercion**, aligning with Minnesota standards.
- **No financial penalty or payment reduction** if using non-preferred facility.
- **Timely notice** when recommending—ensuring transparency.
- **Optional written acknowledgment**, with neutral language, preserving consumer choice.

Thank you for your consideration of these enhancements to consumer protection in Washington State.

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