

Response to OIC – Public Comment on R 2025-04

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Introduction and Credentials

I submit my comments in response to the Office of the Insurance Commissioner’s (OIC) proposed rulemaking (R 2025-04) regarding the registration of umpires in automobile insurance appraisal processes.

I was directly involved in drafting, testifying and supporting the passage of SB 5721, which became RCW 48.18.620. I am the owner of a high-end, factory-certified collision repair facility in Seattle and have more than three decades of experience as a repair technician, service advisor, general manager, and appraiser. I have hands on manufacturers repair training from BMW, Nissan and Porsche as well as other OEM trainings, I-CAR training and am an ASE Master Collision Technician.

My perspective is rooted in **OEM repair standards** developed by vehicle engineers and manufacturers. These standards are the only recognized processes that return a vehicle to factory specifications and ensure it performs as designed in a subsequent collision.

I have served as an umpire in numerous appraisal processes, testified in court as an auto repair expert, and am licensed as a public adjuster in Washington, Oregon, Idaho, and Minnesota. I fight for consumers to recover everything that is owed in their claim. Too often, it has taken litigation before insurers paid what a competent appraiser would have recognized as owed from the beginning of the claim.

For over 20 years, I have acted as an appraiser under the appraisal clause of insurance policies for consumers. Through this experience, I have repeatedly observed systemic problems in Washington’s appraisal process:

1. Insurers misrepresent the terms and conditions of the appraisal process in the policy.
2. Unqualified appraisers lacking the knowledge, training, and experience to accurately evaluate repair requirements.
3. Manipulating the process by limiting umpire selection to former insurance appraisers; and
4. Threatening policyholders by pursuing costly court intervention if they did not agree to insurer-favored umpires, often former insurance adjusters, and
5. Insurance appraisers who appear to be using the appraisal process as a tool to gain future business referrals from insurers by 1) lowballing repair values, 2) refusing to make a good faith effort to discuss/settle a repair appraisal, 3) refusing to follow the unfair claims practice rules, 4) refusing to conduct their own investigation by forcing all the investigation responsibilities on to the policy holders appraiser.

These practices undermine fairness, place consumers at a disadvantage, and distort the appraisal process away from its intended purpose. It is therefore critical that appraisers and umpires be qualified, professional, and ethical, and that they act in good faith to achieve accurate and just resolutions.

General Concerns with the Draft Rule

The draft rule emphasizes experience as an *insurance appraiser* but underweights the importance of collision repair and general vehicle expertise for umpiring disputes over repairable vehicles. This creates a dangerous imbalance:

- Repair cost disputes are not insurance disputes – they are *vehicle repair cost disputes*. An umpire must understand how modern vehicles are properly repaired to determine what is reasonable and necessary for the repairs.
- A background limited to pre-loss value appraisals or insurance claim adjusting does not provide the knowledge required to evaluate whether a proposed repair plan, repair facility invoice or insurance cost estimate complies with OEM standards, I-CAR training and standards, and industry-recognized best practices.
- Insurance adjusters and appraisers are often focused on cost containment and limiting overall claim payouts, which conflicts with the purpose of a fair and balanced appraisal process.

Without strong competency requirements tied directly to vehicle repair and restoration to pre-loss condition, the umpire process risks favoring insurers and undervaluing consumer rights to safe, proper repairs.

Recommendations for Umpire Qualifications

I urge the Commissioner to expand the rule to require distinct qualification standards for two separate appraisal contexts:

1. Repairable Vehicles (Partial Losses)

An umpire should only preside if they have verifiable training and appropriate experience in the repair of collision-damaged vehicles. **Minimum standards must include one of the following:**

- At least 3 years as a qualified collision repair technician at a facility performing pre-loss condition repairs following OEM repair requirements AND has 3 years as a service advisor/repair planner, working with repair technicians preparing detailed repair plans at a repair facility performing pre-loss condition repairs following OEM repair requirements, OR
- At least 5 years as a service advisor/repair planner, working with repair technicians preparing detailed repair plans at a facility performing pre-loss condition repairs following OEM repair requirements, OR

- At least 5 years as an independent appraiser / repair planner (independent appraiser means an appraiser who is not employed by an insurance company and appraises repairable vehicles for both consumers and insurers), AND
 - 1) at least 3 years as a service advisor/repair planner, working with repair technicians preparing detailed repair plans at a facility performing pre-loss condition repairs following OEM repair requirements working with repair technicians at a facility performing pre-loss condition repairs following OEM repair requirements OR
 - 2) at least 3 years as a qualified collision repair technician at a facility performing pre-loss condition repairs following OEM repair requirements

And include at least one of the following:

- Documented I-CAR training, including but not limited to welding, structural realignment, structural repair, aluminum repair, riveting & bonding, steering & suspension, refinishing, color matching, and corrosion protection.
- Documented relevant OEM manufacturer collision repair training.
- ASE Master Collision Technician designation

And include all of the following:

- Access and use of OEM repair information including body repair manuals, bulletins, and position statements for repair of the subject vehicle.
- Documented ethics training. The role of umpire requires honesty, a duty of utmost good faith, and impartiality.
- A sworn attestation of qualification, agreement to act in good faith, and impartiality **for each case handled.**

2. Total Loss / Pre-Loss Market Valuation

For total loss disputes, different expertise applies. Minimum standards should include:

- At least 2 years of market valuation experience specific to automobiles.
- Documented ethics training. The role of umpire requires honesty, a duty of utmost good faith, and impartiality.
- A sworn attestation of qualification, agreement to act in good faith, and impartiality **for each case handled.**

Ethical and Procedural Safeguards

In addition to technical qualifications, I recommend:

- A mandatory ethics oath affirming impartiality and good faith decision-making.
- Clear separation of repair appraisal umpires from total loss umpires, with a registry identifying the scope of each umpire's qualifications.
- Transparency regarding an umpire's training and qualifications so both parties know the decision-maker's background.
- Full disclosure of past and current relationships. (For example: 1) an auto damage appraiser who regularly takes appraisal cases from a specific insurance company should not serve as an umpire on appraisal cases involving that insurer. 2) an appraiser who's book of business is mostly insurance referrals and little to no consumer appraisals could see a negative ruling against an insurer as harmful to their future business referrals from the insurance industry should not serve as an umpire.)

Conclusion

The appraisal process exists to protect consumers when they disagree with insurers about the amount of a loss. For this system to function fairly, umpires must be true subject-matter auto repair experts, not simply former insurance appraisers with only vehicle valuation experience.

I strongly urge the OIC to revise R 2025-04 to adopt separate qualification tracks for repairable vehicles and total losses, and to require sworn ethics commitments for all registered umpires. Only with these safeguards can Washington ensure a fair, balanced, and technically competent appraisal process consistent with the spirit of RCW 48.18.620.

Respectfully,

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