

SENATE BILL REPORT

SB 5579

As Reported By Senate Committee On:
Commerce & Labor, February 20, 1997

Title: An act relating to benefits for occupational disease.

Brief Description: Amending requirements for applying for benefits for occupational disease.

Sponsors: Senators Schow, Horn, Anderson, Newhouse, Oke and West.

Brief History:

Committee Activity: Commerce & Labor: 2/18/97, 2/20/97 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

Minority Report: Do not pass.

Signed by Senators Franklin, Fraser and Heavey.

Staff: Jonathan Seib (786-7427)

Background: For an occupational disease claim to be valid under the industrial insurance law, the worker must file the claim within two years after the worker receives written notice from a physician of the existence of the disease and that a claim may be filed. The physician's notice must also state that the worker has two years to file a claim.

The physician must file the occupational disease notice with the Department of Labor and Industries. The department is responsible for forwarding the notice to the worker and the worker's employer, if the employer is self-insured.

Summary of Bill: The requirements under the industrial insurance law for determining the period for filing occupational disease claims are modified. The two-year time period for filing the claim begins when the worker knew or should have known that he or she has an occupational disease. The requirement is deleted that the worker must have written notice from a physician stating that the occupational disease exists and that a claim may be filed in two years from the date of notice. References to filing and distribution of the physician's notice are deleted.

Appropriation: None.

Fiscal Note: Requested on February 12, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill provides a realistic trigger for the occupational disease claim filing period. The language of the bill is similar to that of many other states, and more lenient than some states. The standard in the bill is a common legal standard that is not difficult to apply. It will provide employers with some certainty that does not exist under current law, without denying legitimate occupational disease claims.

Testimony Against: The requirements under existing law regarding when an occupational disease claim can be filed provide a bright line test not subject to differing interpretations. This avoids litigation and provides injured employees with sure and certain relief. The standard under the bill is vague, unrealistic and difficult to apply.

Testified: PRO: Pam Tellevik, Washington Self Insurers Association; Tom Chapman;
CON: Bob Dilger, Washington Construction Trades Council; Robby Stern, Washington Labor Council; Wayne Lieb, Washington State Trial Lawyers Association.