

HOUSE BILL REPORT

SSB 5070

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to industrial insurance compensation.

Brief Description: Redefining terms for industrial insurance compensation.

Sponsor(s): Senate Committee on Commerce & Labor (originally sponsored by Senators Nelson, Oke and Craswell).

Brief History:

Reported by House Committee on:
Commerce & Labor, April 5, 1991, DP.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass.* Signed by 7 members:
Representatives Heavey, Chair; Lisk, Assistant Ranking
Minority Member; Franklin; R. King; O'Brien; Prentice; and
Wilson.

Minority Report: *Do not pass.* Signed by 3 members:
Representatives Cole, Vice Chair; Fuhrman, Ranking Minority
Member; and Jones.

Staff: Chris Cordes (786-7117).

Background: In 1990, the Washington Supreme Court held that jurors under the supervision of a superior court judge are employees of the county for industrial insurance coverage. The court further found that a juror injured while returning home from jury service was injured in the course of his employment as a juror.

Generally, workers are not acting in the course of employment while traveling to and from work. However, if the employer has a customary or contractual obligation to furnish transportation, then injuries occurring during the commute to and from work may be covered for industrial insurance. Because, in the juror's case, the county had a statutory obligation to pay mileage, the court found that the juror was covered for his injury.

Beginning in October, 1990, the Department of Labor and Industries has required payment of industrial insurance premiums for all jurors and for subpoenaed witnesses who are paid per diem and mileage reimbursement.

Summary of Bill: For the purposes of industrial insurance coverage, persons who appear as witnesses in criminal, civil, administrative, or other public proceedings, are not workers, unless the appearance is within the course of the witness' employment.

A juror is not acting within the course of his or her employment for the purposes of industrial insurance coverage during the time he or she spends going to or from the location of jury service, even though the juror receives reimbursement for mileage from the employer.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Jurors should not be covered for industrial insurance while they are traveling to and from the courthouse. The county has no control over the risk imposed by jurors during their commute. Witnesses were not addressed in the court case that determined coverage for jurors, but have been included by department policy. Witnesses are not serving the county while under subpoena and should not be covered by the county for industrial insurance under these circumstances.

Testimony Against: None.

Witnesses: Grant Nelson (for Senator Gary Nelson, prime sponsor); Reinhold Schuetz and Al Hatten, Kitsap County; and Gary Lowe, Washington Association of Counties.