

1 **SSB 5503 - H COMM AMD ADOPTED 4-9-93**

2 By Committee on Commerce & Labor

3 On page 1, beginning on line 14, strike all of subsection (3)  
4 and insert the following:

5 "(3)(a) As soon as recovery is so complete that the present  
6 earning power of the worker, at any kind of work, is restored to  
7 that existing at the time of the occurrence of the injury, the  
8 payments shall cease. If and so long as the present earning power  
9 is only partially restored, the payments shall:

10 (i) For claims for injuries that occurred before the effective  
11 date of this act, continue in the proportion which the new earning  
12 power shall bear to the old; or

13 (ii) For claims for injuries occurring on or after the  
14 effective date of this act, equal eighty percent of the actual  
15 difference between the worker's present wages and earning power at  
16 the time of injury, but: (A) The total of these payments and the  
17 worker's present wages may not exceed one hundred fifty percent of  
18 the average monthly wage in the state as computed under RCW  
19 51.08.018; (B) the payments may not exceed one hundred percent of  
20 the entitlement as computed under subsection (1) of this section;  
21 and (C) the payments may not be less than the worker would have  
22 received if (a)(i) of this subsection had been applicable to the  
23 worker's claim.

24 (b) No compensation shall be payable under this subsection  
25 (3) unless the loss of earning power shall exceed five percent."

EFFECT: Adds a provision that loss of earning power payments for an injured worker who is subject to the new formula may not be less than the worker would have received under the old formula, and makes technical changes.