
HOUSE BILL 1579

State of Washington 53rd Legislature 1993 Regular Session

By Representative G. Cole

Read first time 02/03/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to prohibited practices in industrial insurance;
2 amending RCW 51.28.050 and 51.28.055; adding a new section to chapter
3 51.48 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.48 RCW
6 to read as follows:

7 (1) It is unlawful for any employer, employer representative, or
8 any person to:

9 (a) Induce or coerce an employee not to report an industrial
10 accident or file an application for benefits;

11 (b) Induce or coerce an employee to treat an industrial accident as
12 an off-the-job injury;

13 (c) Persuade an employee to accept less than the compensation due
14 under this title;

15 (d) Unreasonably make it necessary for the employee to resort to
16 proceedings against the employer to obtain compensation;

17 (e) Engage in a practice of arbitrarily or unreasonably refusing
18 employment to applicants for employment or discharging employees
19 because of nondisabling bodily conditions; or

1 (f) Unduly influence, or otherwise pressure, an employee's
2 attending physician with regard to releasing the employee for return to
3 work.

4 (2) It is unlawful for any employer or employer representative to:

5 (a) Communicate with the attending or consulting physician, the
6 department, or the employee's vocational rehabilitation counselor
7 without first notifying the employee or the employee's representative;
8 or

9 (b) Fail to comply with the rules of the department regarding
10 reports or other requirements necessary to carry out the purposes of
11 this title.

12 (3) An employer, employer representative, or any person who
13 violates any provision of this section shall pay a civil penalty of one
14 thousand dollars for each offense upon order of the director, which
15 shall accrue for benefit of the affected employee. The director shall
16 issue an order conforming with RCW 51.52.050 determining whether a
17 violation has occurred within thirty days of a request by an employee.

18 **Sec. 2.** RCW 51.28.050 and 1984 c 159 s 1 are each amended to read
19 as follows:

20 No application shall be valid or claim thereunder enforceable
21 unless filed within one year after the day upon which the injury
22 occurred or the rights of dependents or beneficiaries accrued, except
23 as provided in RCW 51.28.055. An application is exempt from the
24 limitation imposed by this section if the failure to file the
25 application or take action to enforce a claim thereunder resulted from
26 an act prohibited by section 1 of this act.

27 **Sec. 3.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read
28 as follows:

29 Claims for occupational disease or infection to be valid and
30 compensable must be filed within two years following the date the
31 worker had written notice from a physician: (1) Of the existence of
32 his or her occupational disease, and (2) that a claim for disability
33 benefits may be filed. The notice shall also contain a statement that
34 the worker has two years from the date of the notice to file a claim.
35 The physician shall file the notice with the department. The
36 department shall send a copy to the worker and to the self-insurer if
37 the worker's employer is self-insured. However, a claim is valid if it

1 is filed within two years from the date of death of the worker
2 suffering from an occupational disease.

3 An application is exempt from the limitation imposed by this
4 section if the failure to file the application or take action to
5 enforce a claim thereunder resulted from an act prohibited by section
6 1 of this act.

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