

1 **SHB 1378 - H AMD 181**

2 By Representatives Mastin and Campbell

3 On page 1, beginning on line 14, strike all of subsection (2)  
4 and insert the following:

5 "(2)(a) If a worker has an occupational disease that is caused  
6 in part by occupational exposure during the course of employment  
7 not covered pursuant to RCW 51.12.020, the worker or the worker's  
8 beneficiaries shall receive benefits under this title as determined  
9 under this subsection (2). For purposes of this section, it is  
10 presumed that injurious occupational exposure in employment covered  
11 by this title:

12 (i) Contributed to one hundred percent of the development of  
13 the disease if the period of injurious occupational exposure  
14 covered by this title was seventy-five percent or more of the total  
15 period of exposure.

16 (ii) Contributed to the development of the disease only in  
17 the proportion to which the period of occupational exposure covered  
18 by this title bears to the total period of exposure, if the period  
19 of injurious occupational exposure in employment covered by this  
20 title is less than seventy-five percent of the total period of  
21 exposure.

22 (b) If under either (a)(i) or (a)(ii) of this subsection,  
23 injurious exposure occurred during employment under two or more  
24 employers covered under this title, then the cost of the benefits  
25 determined under this subsection shall be apportioned among the  
26 responsible covered employers.

27 (c) For the purposes of this subsection, "total period of  
28 exposure" means the total period of injurious exposure in  
29 employment covered under this title and in employment not covered  
30 pursuant to RCW 51.12.020."

**EFFECT:** The amendment changes the method for establishing liability under the industrial insurance law for occupational diseases when exposure also occurs in noncovered employment. Instead of presuming that development of the disease is proportional to the period of exposure, the amendment creates a presumption that:

(1) if the period of exposure in covered employment is 75 percent or more of the total exposure, then liability is under covered employment.

(2) if the period of exposure in covered employment is less than 75 percent of total exposure, then liability is proportional to the period of exposure.

(3) if more than one covered employer is involved, the liability relating to covered employment will be apportioned among these employers.