
HOUSE BILL 2048

State of Washington 55th Legislature 1997 Regular Session

By Representatives Clements and McMorris

Read first time 02/18/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to filing timely claims for occupational disease or
2 injury; and amending RCW 51.28.055.

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

4 **Sec. 1.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read
5 as follows:

6 ~~((Claims))~~ No application for benefits for occupational disease or
7 infection ((to be)) is valid ((and compensable must be)) nor claim
8 thereunder enforceable unless filed by a worker within two years
9 following the date the worker ((had written notice from a physician:
10 (1) Of the existence of his or her occupational disease, and (2) that
11 a claim for disability benefits may be filed. The notice shall also
12 contain a statement that the worker has two years from the date of the
13 notice to file a claim. The physician shall file the notice with the
14 department. The department shall send a copy to the worker and to the
15 self-insurer if the worker's employer is self-insured. However, a
16 claim is valid if it is)) knew or should have known that he or she has
17 an occupational disease, except that an application for hearing loss
18 must be filed within six months of the worker receiving information
19 from a physician that he or she has suffered hearing loss and within

1 five years of his or her last employment with an employer most likely
2 to have caused the hearing loss. No application for benefits by a
3 beneficiary of a worker suffering from an occupational disease is valid
4 nor claim thereunder enforceable unless filed within two years from the
5 date of death of the worker (~~suffering from an occupational disease~~).

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