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**SUBSTITUTE HOUSE BILL 2806**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives McMorris, Dyer, Backlund, Boldt and Clements)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to industrial insurance deadlines for hearing loss  
2 claims; 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 (1) Except as provided in subsection (2) of this section for claims  
7 filed for loss of hearing, claims for occupational disease or infection  
8 to be valid and compensable must be filed within two years following  
9 the date the worker had written notice from a physician: ~~((1))~~ (a)  
10 Of the existence of his or her occupational disease, and ~~((2))~~ (b)  
11 that a claim for disability benefits may be filed. The notice shall  
12 also contain a statement that the worker has two years from the date of  
13 the notice to file a claim. The physician shall file the notice with  
14 the department. The department shall send a copy to the worker and to  
15 the self-insurer if the worker's employer is self-insured. However, a  
16 claim is valid if it is filed within two years from the date of death  
17 of the worker suffering from an occupational disease.

18 (2)(a) Except as provided in (b) of this subsection, to be valid  
19 and compensable, claims for loss of hearing must be filed:

1       (i) Within two years of the date of a worker's last injurious work-  
2 related exposure to noise; or

3       (ii) If filed by a worker who has a compensable hearing loss for  
4 which a claim has not been filed on the effective date of this section,  
5 within two years of the effective date of this section.

6       (b) If a worker has a compensable hearing loss that is not timely  
7 filed under (a) of this subsection, the worker's hearing loss claim is  
8 forever barred for all benefits under this title except for medical aid  
9 benefits under chapter 51.36 RCW.

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