

2 **SSB 5147** - H COMM AMD **ADOPTED 04/09/99**  
3 By Committee on Commerce & Labor

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 51.32.040 and 1996 c 47 s 1 are each amended to read  
8 as follows:

9 (1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money  
10 paid or payable under this title shall, before the issuance and  
11 delivery of the check or warrant, be assigned, charged, or taken in  
12 execution, attached, garnished, or pass or be paid to any other person  
13 by operation of law, any form of voluntary assignment, or power of  
14 attorney. Any such assignment or charge is void unless the transfer is  
15 to a financial institution at the request of a worker or other  
16 beneficiary and made in accordance with RCW 51.32.045.

17 (2)(a) If any worker suffers (i) a permanent partial injury and  
18 dies from some other cause than the accident which produced the injury  
19 before he or she receives payment of the award for the permanent  
20 partial injury or (ii) any other injury before he or she receives  
21 payment of any monthly installment covering any period of time before  
22 his or her death, the amount of the permanent partial disability award  
23 or the monthly payment, or both, shall be paid to the surviving spouse  
24 or the child or children if there is no surviving spouse. If there is  
25 no surviving spouse and no child or children, the award or the amount  
26 of the monthly payment shall be paid by the department or self-insurer  
27 and distributed consistent with the terms of the decedent's will or, if  
28 the decedent dies intestate, consistent with the terms of RCW  
29 11.04.015.

30 (b) If any worker suffers an injury and dies from it before he or  
31 she receives payment of any monthly installment covering time loss for  
32 any period of time before his or her death, the amount of the monthly  
33 payment shall be paid to the surviving spouse or the child or children  
34 if there is no surviving spouse. If there is no surviving spouse and  
35 no child or children, the amount of the monthly payment shall be paid  
36 by the department or self-insurer and distributed consistent with the

1 terms of the decedent's will or, if the decedent dies intestate,  
2 consistent with the terms of RCW 11.04.015.

3 (c) Any application for compensation under this subsection (2)  
4 shall be filed with the department or self-insuring employer within one  
5 year of the date of death. The department or self-insurer may satisfy  
6 its responsibilities under this subsection (2) by sending any payment  
7 due in the name of the decedent and to the last known address of the  
8 decedent.

9 (3)(a) Any worker or beneficiary receiving benefits under this  
10 title who is subsequently confined in, or who subsequently becomes  
11 eligible for benefits under this title while confined in, any  
12 institution under conviction and sentence shall have all payments of  
13 the compensation canceled during the period of confinement. After  
14 discharge from the institution, payment of benefits due afterward shall  
15 be paid if the worker or beneficiary would, except for the provisions  
16 of this subsection (3), otherwise be entitled to them.

17 (b) If any prisoner is injured in the course of his or her  
18 employment while participating in a work or training release program  
19 authorized by chapter 72.65 RCW and is subject to the provisions of  
20 this title, he or she is entitled to payments under this title, subject  
21 to the requirements of chapter 72.65 RCW, unless his or her  
22 participation in the program has been canceled, or unless he or she is  
23 returned to a state correctional institution, as defined in RCW  
24 72.65.010(3), as a result of revocation of parole or new sentence.

25 (c) If the confined worker has any beneficiaries during the  
26 confinement period during which benefits are canceled under (a) or (b)  
27 of this subsection, they shall be paid directly the monthly benefits  
28 which would have been paid to the worker for himself or herself and the  
29 worker's beneficiaries had the worker not been confined.

30 (4) Any lump sum benefits to which a worker would otherwise be  
31 entitled but for the provisions of this section shall be paid on a  
32 monthly basis to his or her beneficiaries.

33 **Sec. 2.** RCW 51.48.110 and 1986 c 56 s 1 are each amended to read  
34 as follows:

35 Where death results from the injury or occupational disease and the  
36 deceased leaves no beneficiaries, a self-insurer shall pay into the  
37 supplemental pension fund the sum of ten thousand dollars, less any

1 amount that the self-insurer paid under RCW 51.32.040(2) as payment due  
2 for the period of time before the worker's death."

3 Correct the title.

EFFECT: The amendment: (1) Provides that, when the Department of Labor and Industries or self-insurer has a responsibility to make the payments due before the death of an injured worker, it is discretionary whether to satisfy that responsibility by mailing the payment in the decedent's name to the decedent's address; and (2) permits the self-insurer to reduce the required \$10,000 payment to the supplemental pension fund by any amount paid for distribution as part of the worker's estate.

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