
SENATE BILL 6766

State of Washington

56th Legislature

2000 Regular Session

By Senator Fairley; by request of Department of Labor & Industries

Read first time 01/26/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to employer reporting of claims; amending RCW
2 51.28.010, 51.28.020, and 51.28.025; adding a new section to chapter
3 51.28 RCW; creating a new section; and providing an effective date.

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

5 **Sec. 1.** RCW 51.28.010 and 1977 ex.s. c 350 s 32 are each amended
6 to read as follows:

7 Whenever any accident occurs to any worker, or an occupational
8 disease is contracted by a worker in the course of his or her
9 employment that requires treatment by a physician, it ((shall be)) is
10 the duty of such worker or someone in his or her behalf to forthwith
11 report such accident or occupational disease to his or her employer,
12 superintendent, or foreman or forewoman in charge of the work((, and of
13 the employer to at once report such accident and the injury resulting
14 therefrom to the department pursuant to RCW 51.28.025, as now or
15 hereafter amended, where the worker has received treatment from a
16 physician, has been hospitalized, disabled from work, or has died as
17 the apparent result of such accident and injury.

18 ~~Upon receipt of such notice of accident, the department shall~~
19 ~~immediately forward to the worker or his or her beneficiaries or~~

1 dependents notification, in nontechnical language, of their rights
2 under this title)).

3 **Sec. 2.** RCW 51.28.020 and 1984 c 159 s 3 are each amended to read
4 as follows:

5 ~~((Where))~~ (1)(a) A worker ~~((is entitled to compensation))~~ claiming
6 benefits under this title ~~((he or she shall))~~ must file a written
7 application for benefits with the department or ~~((his or her self-~~
8 insuring)) the employer ~~((, as the case may be, his or her application~~
9 for such, together with the)). The application for benefits must
10 contain sufficient information to provide the department or employer
11 with notice that the worker sustained an industrial injury or
12 contracted an occupational disease, and that benefits are claimed under
13 this title. The department, by rule, may require the worker to sign or
14 otherwise verify the information provided in the application.

15 (b) In addition to the application for benefits, the worker shall
16 file with the department or employer a certificate of the physician who
17 attended him or her ~~((, and it shall be))~~. It is the duty of the
18 physician to inform the injured worker of his or her rights under this
19 title and to lend all necessary assistance in making this application
20 for compensation and such proof of other matters as required by the
21 rules of the department without charge to the worker. The department
22 shall provide physicians with a manual which outlines the procedures to
23 be followed in applications for compensation involving occupational
24 diseases, and which describes claimants' rights and responsibilities
25 related to occupational disease claims.

26 (2) An employer, except a self-insured employer, receiving an
27 application for benefits under subsection (1) of this section must
28 forward the application to the department within three business days
29 following its receipt. An employer in violation of this subsection may
30 be subject to a penalty determined by the director, or his or her
31 designee. The penalty shall not exceed five thousand dollars for each
32 offense and shall be based on a graduated scale defined by rule and
33 taking into account the employer's claim frequency, number of
34 employees, history of compliance, and any other information as defined
35 by the department by rule. Any penalty received under this subsection
36 must be paid to the supplemental pension fund.

1 (3) If application for compensation is made to a self-insuring
2 employer, (~~he or she~~) the employer shall forthwith send a copy
3 (~~thereof~~) to the department.

4 (4) Upon receiving the application for benefits, the employer or
5 department, as the case may be, shall immediately provide written
6 notice to the worker or the worker's beneficiary, of his or her rights
7 under this title in nontechnical language as prescribed by the
8 department.

9 (5) If the employer has not already received a copy, the department
10 shall ensure that the employer is immediately provided with a copy of
11 the worker's application for benefits.

12 **Sec. 3.** RCW 51.28.025 and 1987 c 185 s 32 are each amended to read
13 as follows:

14 (1) Whenever an employer has notice or knowledge of an injury or
15 occupational disease sustained by any worker in his or her employment
16 who has received treatment from a physician, has been hospitalized,
17 disabled from work, or has died as the apparent result of such injury
18 or occupational disease, the employer (~~shall~~) must immediately report
19 the same to the department on forms prescribed by it. The report
20 (~~shall~~) must include:

21 (a) The name, address, and business of the employer;

22 (b) The name, address, and occupation of the worker;

23 (c) The date, time, cause, and nature of the injury or occupational
24 disease;

25 (d) Whether the injury or occupational disease arose in the course
26 of the injured worker's employment;

27 (e) All available information pertaining to the nature of the
28 injury or occupational disease including but not limited to any visible
29 signs, any complaints of the worker, any time lost from work, the wages
30 paid to the worker including the reasonable value of board, housing,
31 fuel, or other consideration of like nature, and the observable effect
32 on the worker's bodily functions, so far as is known; and

33 (f) Such other pertinent information as the department may
34 prescribe by (~~regulation~~) rule.

35 (2) An employer that has notice or knowledge that an industrial
36 injury has occurred to a worker, or that an occupational disease has
37 been contracted by a worker, shall immediately provide the worker or
38 the worker's beneficiary with written notice, in nontechnical language

1 as prescribed by the department, of the worker's rights under this
2 title. The notice shall also inform the worker or the worker's
3 beneficiary how to apply for benefits under this title.

4 (3) The employer shall prominently display and disseminate to all
5 employees, in nontechnical language as prescribed by the department,
6 procedures clearly describing how a worker should report injuries or
7 occupational diseases to the employer. The procedures must be
8 consistent with those procedures established by the department.

9 (4) Failure or refusal to file the report required by subsection
10 (1) of this section shall subject the offending employer to a penalty
11 determined by the director ((but not to exceed two hundred fifty
12 dollars for each offense, to be collected in a civil action in the name
13 of the department and)) or his or her designee. The penalty shall not
14 exceed five hundred dollars for each offense. Any penalty received
15 under this subsection shall be paid into the supplemental pension fund.

16 (5) The employer report required by this section shall not in any
17 way relieve the worker of his or her obligation to timely file an
18 application for benefits as required by RCW 51.28.020.

19 NEW SECTION. Sec. 4. A new section is added to chapter 51.28 RCW
20 to read as follows:

21 The department shall adopt rules that are necessary to implement
22 this act.

23 NEW SECTION. Sec. 5. The department of labor and industries shall
24 report to the house of representatives commerce and labor committee and
25 the senate labor and workforce development committee by September 15,
26 2000, on the plan to implement sections 1 through 3 of this act.

27 NEW SECTION. Sec. 6. Sections 1 through 3 of this act take effect
28 July 1, 2001.

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