
SENATE BILL 5271

State of Washington

58th Legislature

2003 Regular Session

By Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries

Read first time 01/21/2003. Referred to Committee on Commerce & Trade.

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

1 (2)(a) Except as provided in (b) of this subsection, to be valid
2 and compensable, claims for hearing loss due to occupational noise
3 exposure must be filed within two years of the date of the worker's
4 last injurious exposure to occupational noise in employment covered
5 under this title or within one year of the effective date of this
6 section, whichever is later.

7 (b) A claim for hearing loss due to occupational noise exposure
8 that is not timely filed under (a) of this subsection can only be
9 allowed for medical aid benefits under chapter 51.36 RCW.

10 (3) The department may adopt rules to implement this section.

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