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SENATE BILL 5629

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State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Kastama and Winsley; by request of Office of Financial Management

Read first time 02/03/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to an employer's indebtedness to a deceased person  
2 for unpaid wages, labor, or services performed; and amending RCW  
3 49.48.120.

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

5 **Sec. 1.** RCW 49.48.120 and 1981 c 333 s 2 are each amended to read  
6 as follows:

7 (1) If at the time of the death of any person, his or her employer  
8 is indebted to him or her for work, labor, and services performed, and  
9 no executor or administrator of his or her estate has been appointed,  
10 ~~((such))~~ the employer shall upon the request of the surviving spouse  
11 ~~((forthwith))~~ pay ~~((said))~~ the indebtedness~~((r))~~ in ~~((such))~~ an amount  
12 as may be due not exceeding the sum of two thousand five hundred  
13 dollars, to the ~~((said))~~ surviving spouse, or if the decedent leaves no  
14 surviving spouse, then to the decedent's child or children, or if no  
15 children, then to the decedent's father or mother ~~((of said decedent+  
16 PROVIDED, HOWEVER, That if by virtue of a community property agreement  
17 between))~~.

18 (2) In the event the decedent's employer is the state of  
19 Washington, then the amount of the indebtedness that can be paid under

1 subsection (1) of this section shall not exceed ten thousand dollars.  
2 At the beginning of each biennium, the director of financial management  
3 may by administrative policy adjust the amount of indebtedness that can  
4 be paid under this subsection to levels not to exceed the percentage  
5 increase in the Seattle consumer price index. Adjusted dollar amounts  
6 of indebtedness shall be rounded to the nearest five hundred dollar  
7 increment.

8 (3) If the decedent and the surviving spouse(~~(, which))~~ have  
9 entered into a community property agreement that meets the requirements  
10 of RCW 26.16.120, and the right to (~~such~~) the indebtedness became the  
11 sole property of the surviving spouse upon the death of the decedent,  
12 the employer shall pay to the surviving spouse the total of (~~such~~)  
13 the indebtedness, or that portion which is governed by the community  
14 property agreement, upon presentation of (~~said~~) the agreement  
15 accompanied by an affidavit or declaration of the surviving spouse  
16 stating that (~~such~~) the agreement was executed in good faith between  
17 the parties (~~thereto~~) and had not been rescinded by the parties  
18 (~~prior to~~) before the decedent's death (~~of the decedent: PROVIDED~~  
19 FURTHER, That)).

20 (4) In all cases, the employer shall require proof of the  
21 claimant's relationship to the decedent by affidavit or declaration,  
22 and shall require the claimant to acknowledge receipt of (~~such~~) the  
23 payment in writing.

24 (5) Any payments made by an employer pursuant to the provisions of  
25 RCW 49.48.115 and 49.48.120 shall operate as a full and complete  
26 discharge of the employer's indebtedness to the extent of (~~said~~) the  
27 payment, and no employer shall thereafter be liable (~~therefor~~) to the  
28 decedent's estate, or the decedent's executor or administrator  
29 thereafter appointed.

30 (6) The employer may also pay the indebtedness upon presentation of  
31 an affidavit as provided in RCW 11.62.010.

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