
SUBSTITUTE SENATE BILL 6615

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Mulliken, Rasmussen and Prentice)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to employment of workers with developmental
2 disabilities; and amending RCW 51.16.120.

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

4 **Sec. 1.** RCW 51.16.120 and 1984 c 63 s 1 are each amended to read
5 as follows:

6 (1) Whenever a worker has a previous bodily disability from any
7 previous injury or disease, whether known or unknown to the employer,
8 and shall suffer a further disability from injury or occupational
9 disease in employment covered by this title and become totally and
10 permanently disabled from the combined effects thereof or die when
11 death was substantially accelerated by the combined effects thereof,
12 then the experience record of an employer insured with the state fund
13 at the time of said further injury or disease shall be charged and a
14 self-insured employer shall pay directly into the reserve fund only the
15 accident cost which would have resulted solely from said further injury
16 or disease, had there been no preexisting disability, and which
17 accident cost shall be based upon an evaluation of the disability by
18 medical experts. The difference between the charge thus assessed to
19 such employer at the time of said further injury or disease and the

1 total cost of the pension reserve shall be assessed against the second
2 injury fund. The department shall pass upon the application of this
3 section in all cases where benefits are paid for total permanent
4 disability or death and issue an order thereon appealable by the
5 employer. Pending outcome of such appeal the transfer or payment shall
6 be made as required by such order.

7 (2) The department shall, in cases of claims of workers sustaining
8 injuries or occupational diseases in the employ of state fund
9 employers, recompute the experience record of such employers when the
10 claims of workers injured in their employ have been found to qualify
11 for payments from the second injury fund after the regular time for
12 computation of such experience records and the department may make
13 appropriate adjustments in such cases including cash refunds or credits
14 to such employers.

15 (3) To encourage employment of injured workers who are not
16 reemployed by the employer at the time of injury, the department may
17 adopt rules providing for the reduction or elimination of premiums or
18 assessments from subsequent employers of such workers and may also
19 adopt rules for the reduction or elimination of charges against such
20 employers in the event of further injury to such workers in their
21 employ.

22 (4) To encourage employment of injured workers who have a
23 developmental disability as defined in RCW 71A.10.020, the department
24 may adopt rules providing for the reduction or elimination of premiums
25 or assessments from employers of such workers and may also adopt rules
26 for the reduction or elimination of charges against their employers in
27 the event of further injury to such workers in their employ.

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