
HOUSE BILL 2536

State of Washington

59th Legislature

2006 Regular Session

By Representatives Conway, McCoy, Condotta, Simpson and B. Sullivan;
by request of Department of Labor & Industries

Read first time 01/10/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to allowing an injured worker to change total
2 permanent disability pension options under certain circumstances; and
3 amending RCW 51.32.067.

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

5 **Sec. 1.** RCW 51.32.067 and 1986 c 58 s 4 are each amended to read
6 as follows:

7 (1) After a worker elects one of the options in (a), (b), or (c) of
8 this subsection, that option shall apply only if the worker dies during
9 a period of permanent total disability from a cause unrelated to the
10 injury, leaving a surviving spouse, child, children, or other
11 dependent. If, after making an election under this subsection, a
12 worker dies from a cause related to the injury during a period of
13 permanent total disability, his or her beneficiaries shall receive
14 benefits under RCW 51.32.050 (2) through (5).

15 (a) **Option I.** An injured worker selecting this option shall
16 receive the benefits provided by RCW 51.32.060, with no benefits being
17 paid to the worker's surviving spouse, children, or others.

18 (b) **Option II.** An injured worker selecting this option shall
19 receive an actuarially reduced benefit which upon death shall be

1 continued throughout the life of and paid to the surviving spouse,
2 child, or other dependent as the worker has nominated by written
3 designation duly executed and filed with the department.

4 (c) **Option III.** An injured worker selecting this option shall
5 receive an actuarially reduced benefit and, upon death, one-half of the
6 reduced benefit shall be continued throughout the life of and paid to
7 the surviving spouse, child, or other dependent as the worker has
8 nominated by written designation duly executed and filed with the
9 department.

10 (2) The worker shall make the election in writing and the worker's
11 spouse, if any, shall consent in writing as a prerequisite to the
12 election of Option I.

13 (3) If the worker's nominated beneficiary is the worker's spouse,
14 and the worker and spouse enter into a dissolution of marriage after
15 the nomination has been made, the worker may apply to receive benefits
16 as calculated under Option I. This change is effective the date of the
17 decree of dissolution of marriage, but no more than one year prior to
18 the date application for the change is received in the department,
19 provided the worker submits legally certified documentation of the
20 decree of dissolution of marriage.

21 (4) If the worker's nominated beneficiary dies, the worker may
22 apply to receive benefits as calculated under Option I. This change is
23 effective the date of death, but no more than one year prior to the
24 date application for the change is received in the department, provided
25 the worker submits a certified copy of the death certificate.

26 (5) The change in benefits authorized by subsections (3) and (4) of
27 this section is a one-time adjustment and will be permanent for the
28 life of the worker.

29 (6) The department shall adopt such rules as may be necessary to
30 implement this section.

--- END ---