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SENATE BILL 5992

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State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles and Parlette

Read first time 02/18/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to the industrial injury second injury fund;  
2 amending RCW 51.44.040; and creating a new section.

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

4 **Sec. 1.** RCW 51.44.040 and 1982 c 63 s 14 are each amended to read  
5 as follows:

6 (1) There shall be in the office of the state treasurer, a fund to  
7 be known and designated as the "second injury fund", which shall be  
8 used only for the purpose of defraying charges against it as provided  
9 in RCW 51.16.120 and 51.32.250(~~(, as now or hereafter amended. Said)~~).  
10 The fund shall be administered by the director. The state treasurer  
11 shall be the custodian of the second injury fund and shall be  
12 authorized to disburse moneys from it only upon written order of the  
13 director.

14 (2) Payments to the second injury fund from the accident fund shall  
15 be made pursuant to rules (~~and regulations promulgated~~) adopted by  
16 the director.

17 (3) Assessments for the second injury fund shall be imposed on  
18 self-insurers pursuant to rules (~~and regulations promulgated by the~~  
19 ~~director to ensure that self-insurers shall pay to such fund~~) adopted

1 by the director. In addition, the department shall experience rate the  
2 amount assessed each self-insurer as long as the aggregate amount  
3 assessed is in the proportion that the payments made from ((such)) the  
4 fund on account of claims made against self-insurers bears to the total  
5 sum of payments from ((such)) the fund. The experience rating factor  
6 must provide equal weight to the ratio between payments made by the  
7 second-injury fund for claims of the self-insurer to the total payments  
8 made by the second-injury fund by all self-insurers for the prior three  
9 fiscal years and the ratio of workers' compensation claim payments  
10 under this title made by the self-insurer to the total worker's  
11 compensation payments made by all self-insurers under this title for  
12 the prior three fiscal years. This average must be divided by the  
13 latter ratio to arrive at the experience factor.

14 NEW SECTION. Sec. 2. This act applies to self-insurer assessments  
15 for the industrial insurance second injury fund that are imposed on or  
16 after July 1, 2008.

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