

HB 1949 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

ADOPTED 04/13/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 51.12.100 and 1991 c 88 s 3 are each amended to read
4 as follows:

5 (1) Except as otherwise provided in this section, the provisions of
6 this title shall not apply to a master or member of a crew of any
7 vessel, or to employers and workers for whom a right or obligation
8 exists under the maritime laws or federal employees' compensation act
9 for personal injuries or death of such workers.

10 (2) If an accurate segregation of payrolls of workers for whom such
11 a right or obligation exists under the maritime laws cannot be made by
12 the employer, the director is hereby authorized and directed to fix
13 from time to time a basis for the approximate segregation of the
14 payrolls of employees to cover the part of their work for which no
15 right or obligation exists under the maritime laws for injuries or
16 death occurring in such work, and the employer, if not a self-insurer,
17 shall pay premiums on that basis for the time such workers are engaged
18 in their work.

19 (3) Where two or more employers are simultaneously engaged in a
20 common enterprise at one and the same site or place in maritime
21 occupations under circumstances in which no right or obligation exists
22 under the maritime laws for personal injuries or death of such workers,
23 such site or place shall be deemed for the purposes of this title to be
24 the common plant of such employers.

25 (4) In the event payments are made both under this title (~~((prior to~~
26 ~~the final determination))~~ and under the maritime laws or federal
27 employees' compensation act, such benefits paid under this title shall
28 be repaid by the worker or beneficiary (~~((if recovery is subsequently~~
29 ~~made under the maritime laws or federal employees' compensation act))~~).

1 For any claims made under the Jones Act, the employer is deemed a third
2 party, and the injured worker's cause of action is subject to RCW
3 51.24.030 through 51.24.120.

4 (5) Commercial divers harvesting geoduck clams under an agreement
5 made pursuant to RCW 79.135.210, workers tending to such divers, and
6 the employers of such divers and tenders shall be subject to the
7 provisions of this title whether or not such work is performed from a
8 vessel."

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9 On page 1, line 2 of the title, after "clams;" strike the remainder
10 of the title and insert "and amending RCW 51.12.100."

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