

# FINAL BILL REPORT

## SHB 2885

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C 70 L 08

Synopsis as Enacted

**Brief Description:** Modifying industrial insurance coverage for geoduck harvesters.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Conway, Newhouse, Sells, Chandler, Condotta and Moeller).

**House Committee on Commerce & Labor**

**Senate Committee on Labor, Commerce, Research & Development**

### **Background:**

The Longshore and Harbor Workers' Compensation Act, administered by the U.S. Department of Labor, provides medical benefits, compensation for lost wages, and rehabilitation services to longshoremen, harbor workers, and other maritime workers who are injured during the course of employment or suffer from diseases caused or worsened by conditions of employment. Under the Longshore and Harbor Workers' Compensation Act, businesses whose employees are employed in maritime employment on or near the navigable waters of the United States are required to purchase longshore and harbor workers' compensation insurance.

There are exclusions to coverage under the Longshore and Harbor Workers' Compensation Act. The exclusions apply if the workers are covered by a state workers' compensation law. An exclusion for aquaculture workers is included.

The federal Jones Act also provides a remedy to seamen for injuries arising out of employment. Under the Jones Act, an injured seaman may obtain damages from his or her employer for the negligence of the vessel's owner, the captain, or other crew members.

The state Industrial Insurance Act does not apply to employers and workers for whom a right or obligation exists under the maritime laws.

In 2007 legislation was enacted that applies the state Industrial Insurance Act to commercial divers harvesting geoduck clams, workers tending to such divers, and the employers of such divers and tenders. The state Industrial Insurance Act applies whether or not the work is performed from a vessel.

### **Summary:**

Tenders of commercial divers harvesting geoduck clams are removed from the provisions of the state Industrial Insurance Act.

### **Votes on Final Passage:**

House 93 0  
Senate 49 0

**Effective:** January 1, 2009