
HOUSE BILL 1545

State of Washington 60th Legislature 2007 Regular Session

By Representatives Kirby, Ericks and Ormsby

Read first time 01/22/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance death benefits for the
2 surviving spouses of law enforcement officers; amending RCW 51.32.050;
3 and creating a new section.

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

5 **Sec. 1.** RCW 51.32.050 and 1995 c 199 s 6 are each amended to read
6 as follows:

7 (1) Where death results from the injury the expenses of burial not
8 to exceed two hundred percent of the average monthly wage in the state
9 as defined in RCW 51.08.018 shall be paid.

10 (2)(a) Where death results from the injury, a surviving spouse of
11 a deceased worker eligible for benefits under this title shall receive
12 monthly for life or until remarriage payments according to the
13 following schedule:

14 (i) If there are no children of the deceased worker, sixty percent
15 of the wages of the deceased worker but not less than one hundred
16 eighty-five dollars;

17 (ii) If there is one child of the deceased worker and in the legal
18 custody of such spouse, sixty-two percent of the wages of the deceased
19 worker but not less than two hundred twenty-two dollars;

1 (iii) If there are two children of the deceased worker and in the
2 legal custody of such spouse, sixty-four percent of the wages of the
3 deceased worker but not less than two hundred fifty-three dollars;

4 (iv) If there are three children of the deceased worker and in the
5 legal custody of such spouse, sixty-six percent of the wages of the
6 deceased worker but not less than two hundred seventy-six dollars;

7 (v) If there are four children of the deceased worker and in the
8 legal custody of such spouse, sixty-eight percent of the wages of the
9 deceased worker but not less than two hundred ninety-nine dollars; or

10 (vi) If there are five or more children of the deceased worker and
11 in the legal custody of such spouse, seventy percent of the wages of
12 the deceased worker but not less than three hundred twenty-two dollars.

13 (b) A surviving spouse of a member of the law enforcement officers'
14 and fire fighters' retirement system under chapter 41.26 RCW who is
15 entitled to benefits under this section shall continue to receive
16 benefits under this section monthly for life.

17 (c) Where the surviving spouse does not have legal custody of any
18 child or children of the deceased worker or where after the death of
19 the worker legal custody of such child or children passes from such
20 surviving spouse to another, any payment on account of such child or
21 children not in the legal custody of the surviving spouse shall be made
22 to the person or persons having legal custody of such child or
23 children. The amount of such payments shall be five percent of the
24 monthly benefits payable as a result of the worker's death for each
25 such child but such payments shall not exceed twenty-five percent.
26 Such payments on account of such child or children shall be subtracted
27 from the amount to which such surviving spouse would have been entitled
28 had such surviving spouse had legal custody of all of the children and
29 the surviving spouse shall receive the remainder after such payments on
30 account of such child or children have been subtracted. Such payments
31 on account of a child or children not in the legal custody of such
32 surviving spouse shall be apportioned equally among such children.

33 ((+e)) (d) Payments to the surviving spouse of the deceased worker
34 shall cease at the end of the month in which remarriage occurs:
35 PROVIDED, That a monthly payment shall be made to the child or children
36 of the deceased worker from the month following such remarriage in a
37 sum equal to five percent of the wages of the deceased worker for one
38 child and a sum equal to five percent for each additional child up to

1 a maximum of five such children. Payments to such child or children
2 shall be apportioned equally among such children. Such sum shall be in
3 place of any payments theretofore made for the benefit of or on account
4 of any such child or children. If the surviving spouse does not have
5 legal custody of any child or children of the deceased worker, or if
6 after the death of the worker, legal custody of such child or children
7 passes from such surviving spouse to another, any payment on account of
8 such child or children not in the legal custody of the surviving spouse
9 shall be made to the person or persons having legal custody of such
10 child or children.

11 ~~((d))~~ (e) In no event shall the monthly payments provided in
12 subsection (2) of this section exceed the applicable percentage of the
13 average monthly wage in the state as computed under RCW 51.08.018 as
14 follows:

15	AFTER	PERCENTAGE
16	June 30, 1993	105%
17	June 30, 1994	110%
18	June 30, 1995	115%
19	June 30, 1996	120%

20 ~~((e))~~ (f) In addition to the monthly payments provided for in
21 subsection (2)(a) through ~~((e))~~ (d) of this section, a surviving
22 spouse or child or children of such worker if there is no surviving
23 spouse, or dependent parent or parents, if there is no surviving spouse
24 or child or children of any such deceased worker shall be forthwith
25 paid a sum equal to one hundred percent of the average monthly wage in
26 the state as defined in RCW 51.08.018, any such children, or parents to
27 share and share alike in said sum.

28 ~~((f))~~ (g) Upon remarriage of a surviving spouse the monthly
29 payments for the child or children shall continue as provided in this
30 section, but the monthly payments to such surviving spouse shall cease
31 at the end of the month during which remarriage occurs. However, after
32 September 8, 1975, an otherwise eligible surviving spouse of a worker
33 who died at any time prior to or after September 8, 1975, shall have an
34 option of:

35 (i) Receiving, once and for all, a lump sum of twenty-four times
36 the monthly compensation rate in effect on the date of remarriage

1 allocable to the spouse for himself or herself pursuant to subsection
2 (2)(a)(i) of this section and subject to any modifications specified
3 under subsection (2)(~~(d)~~) (e) of this section and RCW 51.32.075(3) or
4 fifty percent of the then remaining annuity value of his or her
5 pension, whichever is the lesser: PROVIDED, That if the injury
6 occurred prior to July 28, 1991, the remarriage benefit lump sum
7 available shall be as provided in the remarriage benefit schedules then
8 in effect; or

9 (ii) If a surviving spouse does not choose the option specified in
10 subsection (2)(~~(f)~~) (g)(i) of this section to accept the lump sum
11 payment, the remarriage of the surviving spouse of a worker shall not
12 bar him or her from claiming the lump sum payment authorized in
13 subsection (2)(~~(f)~~) (g)(i) of this section during the life of the
14 remarriage, or shall not prevent subsequent monthly payments to him or
15 to her if the remarriage has been terminated by death or has been
16 dissolved or annulled by valid court decree provided he or she has not
17 previously accepted the lump sum payment.

18 (~~(g)~~) (h) If the surviving spouse during the remarriage should
19 die without having previously received the lump sum payment provided in
20 subsection (2)(~~(f)~~) (g)(i) of this section, his or her estate shall
21 be entitled to receive the sum specified under subsection (2)(~~(f)~~)
22 (g)(i) of this section or fifty percent of the then remaining annuity
23 value of his or her pension whichever is the lesser.

24 (~~(h)~~) (i) The effective date of resumption of payments under
25 subsection (2)(~~(f)~~) (g)(ii) of this section to a surviving spouse
26 based upon termination of a remarriage by death, annulment, or
27 dissolution shall be the date of the death or the date the judicial
28 decree of annulment or dissolution becomes final and when application
29 for the payments has been received.

30 (~~(i)~~) (j) If it should be necessary to increase the reserves in
31 the reserve fund or to create a new pension reserve fund as a result of
32 the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the
33 amount of such increase in pension reserve in any such case shall be
34 transferred to the reserve fund from the supplemental pension fund.

35 (3) If there is a child or children and no surviving spouse of the
36 deceased worker or the surviving spouse is not eligible for benefits
37 under this title, a sum equal to thirty-five percent of the wages of
38 the deceased worker shall be paid monthly for one child and a sum

1 equivalent to fifteen percent of such wage shall be paid monthly for
2 each additional child, the total of such sum to be divided among such
3 children, share and share alike: PROVIDED, That benefits under this
4 subsection or subsection (4) of this section shall not exceed the
5 lesser of sixty-five percent of the wages of the deceased worker at the
6 time of his or her death or the applicable percentage of the average
7 monthly wage in the state as defined in RCW 51.08.018, as follows:

8	AFTER	PERCENTAGE
9	June 30, 1993	105%
10	June 30, 1994	110%
11	June 30, 1995	115%
12	June 30, 1996	120%

13 (4) In the event a surviving spouse receiving monthly payments
14 dies, the child or children of the deceased worker shall receive the
15 same payment as provided in subsection (3) of this section.

16 (5) If the worker leaves no surviving spouse or child, but leaves
17 a dependent or dependents, a monthly payment shall be made to each
18 dependent equal to fifty percent of the average monthly support
19 actually received by such dependent from the worker during the twelve
20 months next preceding the occurrence of the injury, but the total
21 payment to all dependents in any case shall not exceed the lesser of
22 sixty-five percent of the wages of the deceased worker at the time of
23 his or her death or the applicable percentage of the average monthly
24 wage in the state as defined in RCW 51.08.018 as follows:

25	AFTER	PERCENTAGE
26	June 30, 1993	105%
27	June 30, 1994	110%
28	June 30, 1995	115%
29	June 30, 1996	120%

30 If any dependent is under the age of eighteen years at the time of the
31 occurrence of the injury, the payment to such dependent shall cease
32 when such dependent reaches the age of eighteen years except such
33 payments shall continue until the dependent reaches age twenty-three
34 while permanently enrolled at a full time course in an accredited

1 school. The payment to any dependent shall cease if and when, under
2 the same circumstances, the necessity creating the dependency would
3 have ceased if the injury had not happened.

4 (6) For claims filed prior to July 1, 1986, if the injured worker
5 dies during the period of permanent total disability, whatever the
6 cause of death, leaving a surviving spouse, or child, or children, the
7 surviving spouse or child or children shall receive benefits as if
8 death resulted from the injury as provided in subsections (2) through
9 (4) of this section. Upon remarriage or death of such surviving
10 spouse, the payments to such child or children shall be made as
11 provided in subsection (2) of this section when the surviving spouse of
12 a deceased worker remarries.

13 (7) For claims filed on or after July 1, 1986, every worker who
14 becomes eligible for permanent total disability benefits shall elect an
15 option as provided in RCW 51.32.067.

16 NEW SECTION. **Sec. 2.** Section 1 of this act applies to remarriages
17 entered into on or after the effective date of this act.

--- END ---