
HOUSE BILL 1949

State of Washington 60th Legislature 2007 Regular Session

By Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby

Read first time 02/01/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing industrial insurance coverage for
2 workers involved in harvesting geoduck clams; and amending RCW
3 51.12.100.

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

5 **Sec. 1.** RCW 51.12.100 and 1991 c 88 s 3 are each amended to read
6 as follows:

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

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

1 shall pay premiums on that basis for the time such workers are engaged
2 in their work.

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

9 (4) In the event payments are made under this title prior to the
10 final determination under the maritime laws or federal employees'
11 compensation act, such benefits shall be repaid by the worker or
12 beneficiary if recovery is subsequently made under the maritime laws or
13 federal employees' compensation act.

14 (5) Commercial divers harvesting geoduck clams, workers tending to
15 such divers, and the employers of such divers and tenders are subject
16 to the provisions of this title whether or not such work is performed
17 from a vessel.

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