
HOUSE BILL 2885

State of Washington 60th Legislature 2008 Regular Session

By Representatives Williams, Conway, Newhouse, Sells, Chandler,
Condotta, and Moeller

Read first time 01/17/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance for geoduck harvesters; and
2 amending RCW 51.12.100.

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

4 **Sec. 1.** RCW 51.12.100 and 2007 c 324 s 1 are each amended to read
5 as follows:

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

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

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

7 (4) In the event payments are made both under this title and under
8 the maritime laws or federal employees' compensation act, such benefits
9 paid under this title shall be repaid by the worker or beneficiary.
10 For any claims made under the Jones Act, the employer is deemed a third
11 party, and the injured worker's cause of action is subject to RCW
12 51.24.030 through 51.24.120.

13 (5) Commercial divers harvesting geoduck clams under an agreement
14 made pursuant to RCW 79.135.210(~~(, workers tending to such divers,)~~)
15 and the employers of such divers (~~(and tenders)~~) shall be subject to
16 the provisions of this title whether or not such work is performed from
17 a vessel.

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