

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1949

60th Legislature
2007 Regular Session

Passed by the House April 17, 2007
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 13, 2007
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1949** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1949

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

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 both under this title (~~((prior to~~
10 ~~the final determination))~~) and under the maritime laws or federal
11 employees' compensation act, such benefits paid under this title shall
12 be repaid by the worker or beneficiary (~~((if recovery is subsequently~~
13 ~~made under the maritime laws or federal employees' compensation act))~~).
14 For any claims made under the Jones Act, the employer is deemed a third
15 party, and the injured worker's cause of action is subject to RCW
16 51.24.030 through 51.24.120.

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

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