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HOUSE BILL 2105

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Appleton, Moscoso, Green, and Hunt

Read first time 04/22/11. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to eliminating restrictions on causes of action by  
2 workers injured in employment; amending RCW 51.04.010 and 51.32.010;  
3 and repealing RCW 51.24.020.

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

5 **Sec. 1.** RCW 51.04.010 and 1977 ex.s. c 350 s 1 are each amended to  
6 read as follows:

7 ~~((The common law system governing the remedy of workers against  
8 employers for injuries received in employment is inconsistent with  
9 modern industrial conditions. In practice it proves to be economically  
10 unwise and unfair. Its administration has produced the result that  
11 little of the cost of the employer has reached the worker and that  
12 little only at large expense to the public. The remedy of the worker  
13 has been uncertain, slow and inadequate. Injuries in such works,  
14 formerly occasional, have become frequent and inevitable.))~~ The  
15 welfare of the state depends upon its industries, and even more upon  
16 the welfare of its wage worker. The state of Washington, therefore,  
17 exercising ((herein)) in this title its police and sovereign power,  
18 declares that ~~((all phases of the premises are withdrawn from private  
19 controversy, and))~~ sure and certain relief for workers, injured in

1 their work, and their families and dependents is hereby provided  
2 regardless of questions of fault (~~and to the exclusion of every other~~  
3 ~~remedy, proceeding or compensation, except as otherwise provided in~~  
4 ~~this title; and to that end all civil actions and civil causes of~~  
5 ~~action for such personal injuries and all jurisdiction of the courts of~~  
6 ~~the state over such causes are hereby abolished, except as in this~~  
7 ~~title provided~~)). Workers and their families and dependents shall be  
8 entitled to the full compensation and benefits provided by this title  
9 and also have a cause of action against the employer for damages as  
10 otherwise provided by law.

11 **Sec. 2.** RCW 51.32.010 and 1977 ex.s. c 350 s 37 are each amended  
12 to read as follows:

13 Each worker injured in the course of his or her employment, or his  
14 or her family or dependents in case of death of the worker, shall  
15 receive compensation in accordance with this chapter(~~, and, except as~~  
16 ~~in this title otherwise provided, such payment shall be in lieu of any~~  
17 ~~and all rights of action whatsoever against any person whomsoever:~~  
18 ~~PROVIDED, That~~)). However, if an injured worker, or the surviving  
19 spouse of an injured worker shall not have the legal custody of a child  
20 for, or on account of whom payments are required to be made under this  
21 title, such payment or payments shall be made to the person or persons  
22 having the legal custody of such child but only for the periods of time  
23 after the department has been notified of the fact of such legal  
24 custody, and it shall be the duty of any such person or persons  
25 receiving payments because of legal custody of any child immediately to  
26 notify the department of any change in such legal custody.

27 NEW SECTION. **Sec. 3.** RCW 51.24.020 (Action against employer for  
28 intentional injury) and 1984 c 218 s 2, 1977 ex.s. c 350 s 31, 1973 1st  
29 ex.s. c 154 s 94, & 1961 c 23 s 51.24.020 are each repealed.

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