
SUBSTITUTE HOUSE BILL 1884

State of Washington 63rd Legislature 2013 Regular Session

By House Labor & Workforce Development (originally sponsored by Representatives Sells, Hope, Dunshee, Rodne, Riccelli, and Ryu)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to the rate of compensation for occupational
2 diseases; and amending RCW 51.32.180.

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

4 **Sec. 1.** RCW 51.32.180 and 1988 c 161 s 5 are each amended to read
5 as follows:

6 (1) Every worker who suffers disability from an occupational
7 disease in the course of employment under the mandatory or elective
8 adoption provisions of this title, or his or her family and dependents
9 in case of death of the worker from such disease or infection, shall
10 receive the same compensation benefits and medical, surgical and
11 hospital care and treatment as would be paid and provided for a worker
12 injured or killed in employment under this title, except as follows:
13 (a) (~~((1))~~) This section and RCW 51.16.040 shall not apply where the
14 last exposure to the hazards of the disease or infection occurred prior
15 to January 1, 1937; and (b) (~~((2))~~) for claims filed on or after July
16 1, 1988, the rate of compensation for occupational diseases shall be
17 established as of the date the disease requires medical treatment or
18 becomes totally or partially disabling, whichever occurs first, and

1 without regard to the date of the contraction of the disease or the
2 date of filing the claim, except as provided in subsection (2) of this
3 section.

4 (2)(a) At the first day the worker is entitled to benefits under
5 RCW 51.32.090 for an occupational disease meeting the criteria of this
6 subsection, the rate of compensation must be established based on
7 whichever of the following would result in a greater benefit to the
8 worker:

9 (i) The wages the worker was receiving at the date of disease
10 manifestation, as determined by the department and taking into
11 consideration adjustments under RCW 51.32.075; or

12 (ii) The wages the worker was receiving at the time the
13 occupational disease prevented the worker from continuing to work,
14 regardless of when the disease first manifested or required medical
15 treatment and taking into consideration adjustments under RCW 51.32.075
16 subsequent to the date the occupational disease first prevented the
17 worker from continuing to work.

18 (b) This subsection applies to workers who, in the course of
19 employment, have contracted an occupational disease that is known to be
20 terminal. To allow for maximum stakeholder input, the department must
21 adopt rules defining when an occupational disease is "known to be
22 terminal."

23 (c) This subsection applies to claims filed on or after the
24 effective date of this section.

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