
SENATE BILL 6223

State of Washington

63rd Legislature

2014 Regular Session

By Senator Holmquist Newbry

Read first time 01/17/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to injury and occupational disease for purposes of
2 workers' compensation; amending RCW 51.32.010; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that work-related
6 musculoskeletal disorders occur with greater frequency and severity
7 than other forms of industrial injuries and occupational diseases. In
8 particular, the legislature finds that work-related musculoskeletal
9 disorders result in a substantial percentage of permanent impairment
10 and time loss claims.

11 The legislature recognizes the importance of ensuring fairness for
12 employers in Washington, and that more needs to be done to ensure fair
13 treatment of employers in the state. The legislature intends to
14 protect employers from incurring costs for musculoskeletal disorders
15 caused primarily by nonwork-related activities. The legislature finds
16 that responsibility to compensate an injured worker should be
17 apportioned to an employer only when the work-related activity is a
18 substantial contributing cause.

1 In electing the standard of "substantial contributing cause," the
2 legislature intends to balance the need to compensate injured workers
3 in Washington with the need to create a fair standard of apportionment
4 of responsibility for employers. The legislature intends to bring
5 Washington state into parity with other states that have achieved this
6 level of fairness through adoption of similar standards.

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

9 (1) Subject to subsection (2) of this section, each worker injured
10 in the course of his or her employment, or his or her family or
11 dependents in case of death of the worker, shall receive compensation
12 in accordance with this chapter, and, except as in this title otherwise
13 provided, such payment shall be in lieu of any and all rights of action
14 whatsoever against any person whomsoever(~~(+ PROVIDED, That)~~).

15 (2) No benefits are payable for a musculoskeletal injury or
16 occupational disease unless employment is a substantial contributing
17 cause of the injury or occupational disease. For purposes of this
18 subsection:

19 (a) "Musculoskeletal injury or occupational disease" means an
20 injury or disease of the muscles, nerves, tendons, joints, bones,
21 cartilage, or spinal discs.

22 (b) "Substantial contributing cause" means at least thirty-five
23 percent of the causation from all causes combined based on a
24 preponderance of medical evidence.

25 (3) If an injured worker(~~(7)~~) or the surviving spouse of an injured
26 worker shall not have the legal custody of a child for, or on account
27 of, whom payments are required to be made under this title, such
28 payment or payments shall be made to the person or persons having the
29 legal custody of such child but only for the periods of time after the
30 department has been notified of the fact of such legal custody, and it
31 shall be the duty of any such person or persons receiving payments
32 because of legal custody of any child immediately to notify the
33 department of any change in such legal custody.

34 NEW SECTION. **Sec. 3.** This act applies to dates of injury and

1 manifestation of occupational disease on or after the effective date of
2 this section.

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