
SENATE BILL 6197

State of Washington 65th Legislature 2018 Regular Session

By Senators Keiser, Baumgartner, Hasegawa, and Conway

Read first time 01/10/18. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to an employer's payment of indebtedness upon the
2 death of an employee; and amending RCW 49.48.120.

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

4 **Sec. 1.** RCW 49.48.120 and 2003 c 122 s 1 are each amended to
5 read as follows:

6 (1) If at the time of the death of any person, his or her
7 employer is indebted to him or her for work, labor, and services
8 performed, and no executor or administrator of his or her estate has
9 been appointed, the employer shall upon the request of the surviving
10 spouse pay the indebtedness in an amount as may be due not exceeding
11 the sum of two thousand five hundred dollars, to the surviving
12 spouse, or if the decedent leaves no surviving spouse, then to the
13 decedent's child or children, or if no children, then to the
14 decedent's father or mother.

15 (2) In the event the decedent's employer is the state of
16 Washington or a municipal corporation, as defined in RCW 39.50.010,
17 then there shall be no limit to the amount of the indebtedness that
18 can be paid under subsection (1) of this section ((shall not exceed
19 ten thousand dollars. At the beginning of each biennium, the director
20 of financial management may by administrative policy adjust the
21 amount of indebtedness that can be paid under this subsection to

1 ~~levels not to exceed the percentage increase in the consumer price~~
2 ~~index for all urban consumers, CPI-U, for Seattle, or a successor~~
3 ~~index, for the previous biennium as calculated by the United States~~
4 ~~department of labor. Adjusted dollar amounts of indebtedness shall be~~
5 ~~rounded to the nearest five hundred dollar increment)).~~

6 (3) If the decedent and the surviving spouse have entered into a
7 community property agreement that meets the requirements of RCW
8 26.16.120, and the right to the indebtedness became the sole property
9 of the surviving spouse upon the death of the decedent, the employer
10 shall pay to the surviving spouse the total of the indebtedness, or
11 that portion which is governed by the community property agreement,
12 upon presentation of the agreement accompanied by an affidavit or
13 declaration of the surviving spouse stating that the agreement was
14 executed in good faith between the parties and had not been rescinded
15 by the parties before the decedent's death.

16 (4) In all cases, the employer shall require proof of the
17 claimant's relationship to the decedent by affidavit or declaration,
18 and shall require the claimant to acknowledge receipt of the payment
19 in writing.

20 (5) Any payments made by an employer pursuant to the provisions
21 of RCW 49.48.115 and ((49.48.120)) this section shall operate as a
22 full and complete discharge of the employer's indebtedness to the
23 extent of the payment, and no employer shall thereafter be liable to
24 the decedent's estate, or the decedent's executor or administrator
25 thereafter appointed.

26 (6) The employer may also pay the indebtedness upon presentation
27 of an affidavit as provided in RCW 11.62.010.

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