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**SUBSTITUTE SENATE BILL 5548**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senator Shewmake)

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.010 and 51.32.060; creating a new section; and providing an effective date.

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

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

((~~Each~~)) (1) Except as provided in subsection (2) of this section, each worker injured in the course of ((~~his or her~~)) the worker's employment, or ((~~his or her~~)) the worker's family or dependents in case of death of the worker, shall receive compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever((~~: PROVIDED, That if an injured~~)).

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

(b)(i) For claims with a date of injury or disease manifestation on or after July 1, 2026, the payment or payments to be made to the person or persons having the legal custody of a worker's child shall be two percent of the worker's wages.

(ii) For claims with a date of injury or disease manifestation on or after July 1, 2026, the payment to be made to the worker or surviving spouse under this chapter shall be reduced by the amount of the payment or payments to be made to person or persons having the legal custody of a worker's child or children under (b)(i) of this subsection (2).

**Sec.**  RCW 51.32.060 and 2007 c 284 s 2 are each amended to read as follows:

(1) ((~~When~~)) For claims with a date of injury or disease manifestation on or after July 1, 2026, when the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability, except as provided in RCW 51.32.010:

(a) One hundred percent of the employer's payment or contribution for health care benefits, unless the employer continues ongoing and current payment or contributions for these benefits at the same level as provided at the time of injury; and

(b) A percentage of the worker's wages, excluding the worker's employer's payment or contribution for health care benefits, as follows:

|  | Worker's status | Percentage of theworker's wages |
| --- | --- | --- |
|  | Unmarried with no children | 60 percent |
|  | Unmarried with one child or married with no children | 65 percent |
|  | Unmarried with two children or married with one child | 67 percent |
|  | Unmarried with three children or married with two children | 69 percent |
|  | Unmarried with four children or married with three children | 71 percent |
|  | Unmarried with five children or married with four children | 73 percent |
|  | Unmarried with six or more children or married with five or more children | 75 percent |

(2) For claims with a date of injury or disease manifestation on or before June 30, 2026, when the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty‑five percent of his or her wages.

(b) If married with one child at the time of injury, sixty‑seven percent of his or her wages.

(c) If married with two children at the time of injury, sixty‑nine percent of his or her wages.

(d) If married with three children at the time of injury, seventy‑one percent of his or her wages.

(e) If married with four children at the time of injury, seventy‑three percent of his or her wages.

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages.

(g) If unmarried at the time of the injury, sixty percent of his or her wages.

(h) If unmarried with one child at the time of injury, sixty‑two percent of his or her wages.

(i) If unmarried with two children at the time of injury, sixty‑four percent of his or her wages.

(j) If unmarried with three children at the time of injury, sixty‑six percent of his or her wages.

(k) If unmarried with four children at the time of injury, sixty‑eight percent of his or her wages.

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages.

((~~(2)~~)) (3) For any period of time where both ((~~husband and wife~~)) spouses are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

((~~(3)~~)) (4) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

((~~(4)~~)) (5) Should any further accident result in the permanent total disability of an injured worker, ((~~he or she~~)) the injured worker shall receive the pension to which ((~~he or she~~)) the injured worker would be entitled, notwithstanding the payment of a lump sum for ((~~his or her~~)) the injured worker's prior injury.

((~~(5)~~)) (6) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

|  | AFTER | PERCENTAGE |  |
| --- | --- | --- | --- |
|  | June 30, 1993 | 105% |  |
|  | June 30, 1994 | 110% |  |
|  | June 30, 1995 | 115% |  |
|  | June 30, 1996 | 120% |  |

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if a worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children for claims with a date of injury or disease manifestation on or before June 30, 2026, and up to a maximum of six children for an unmarried worker or five children for a married worker for claims with a date of injury or disease manifestation on or after July 1, 2026. However, if the monthly payment computed under this subsection ((~~(5)~~)) (6)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

The limitations under this subsection shall not apply to the payments provided for in subsection ((~~(3)~~)) (4) of this section.

((~~(6)~~)) (7) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section.

((~~(7)~~)) (8) The benefits provided by this section are subject to modification under RCW 51.32.067.

NEW SECTION. **Sec.**  This act applies to claims with a date of injury or disease manifestation on or after July 1, 2026.

NEW SECTION. **Sec.**  This act takes effect July 1, 2026.

**--- END ---**