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**SUBSTITUTE HOUSE BILL 1464**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Prentice, Cole, Heavey, Jacobsen, Franklin, Leonard, Ogden, R. King, Riley, Phillips, Winsley, Jones and R. Meyers).

Read first time February 26, 1991.

1 AN ACT Relating to prohibited practices in industrial insurance;  
2 amending RCW 51.28.050 and 51.28.055; adding a new section to chapter  
3 51.48 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.48 RCW  
6 to read as follows:

7 (1) It shall be unlawful for any employer, employer representative,  
8 or any person to:

9 (a) Induce or coerce an employee not to report an industrial  
10 accident;

11 (b) Induce or coerce an employee to treat an industrial accident as  
12 an off-the-job injury;

13 (c) Persuade an employee to accept less than the compensation due  
14 under this title;

1 (d) Unreasonably make it necessary for the employee to resort to  
2 proceedings against the employer to obtain compensation;

3 (e) Fail to comply with the rules of the department regarding  
4 reports or other requirements necessary to carry out the purposes of  
5 this title;

6 (f) Engage in a practice of arbitrarily or unreasonably refusing  
7 employment to applicants for employment or discharging employees  
8 because of nondisabling bodily conditions; or

9 (g) Unduly influence, or otherwise pressure, an employee's  
10 attending physician with regard to releasing the employee for return to  
11 work.

12 (2) It shall be unlawful for any employer or employer  
13 representative to communicate with the attending or consulting  
14 physician, the department, or the employee's vocational rehabilitation  
15 counselor without first notifying the employee or the employee's  
16 representative.

17 (3) An employer, employer representative, or any person who  
18 violates any provision of this section shall pay a civil penalty of one  
19 thousand dollars for each offense upon order of the director, which  
20 shall accrue for benefit of the affected employee. The director shall  
21 issue an order conforming with RCW 51.52.050 determining whether a  
22 violation has occurred within thirty days of a request by an employee.

23 **Sec. 2.** RCW 51.28.050 and 1984 c 159 s 1 are each amended to read  
24 as follows:

25 No application shall be valid or claim thereunder enforceable  
26 unless filed within one year after the day upon which the injury  
27 occurred or the rights of dependents or beneficiaries accrued, except  
28 as provided in RCW 51.28.055. An application shall be exempt from the  
29 limitation imposed by this section if the failure to file the

1 application or take action to enforce a claim thereunder resulted from  
2 an act prohibited by section 1 of this act.

3       **Sec. 3.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read  
4 as follows:

5       Claims for occupational disease or infection to be valid and  
6 compensable must be filed within two years following the date the  
7 worker had written notice from a physician: (1) Of the existence of  
8 his or her occupational disease, and (2) that a claim for disability  
9 benefits may be filed. The notice shall also contain a statement that  
10 the worker has two years from the date of the notice to file a claim.  
11 The physician shall file the notice with the department. The  
12 department shall send a copy to the worker and to the self-insurer if  
13 the worker's employer is self-insured. However, a claim is valid if it  
14 is filed within two years from the date of death of the worker  
15 suffering from an occupational disease.

16       An application shall be exempt from the limitation imposed by this  
17 section if the failure to file the application or take action to  
18 enforce a claim thereunder resulted from an act prohibited by section  
19 1 of this act.