
SUBSTITUTE HOUSE BILL 1375

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Hargrove, Horn and Honeyford)

Read first time 02/22/95.

1 AN ACT Relating to industrial insurance benefits during confinement
2 in an institution; and amending RCW 51.32.040.

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

4 **Sec. 1.** RCW 51.32.040 and 1987 c 75 s 7 are each amended to read
5 as follows:

6 (1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money
7 paid or payable under this title shall, (~~except as provided for in RCW~~
8 43.20B.720 or 74.20A.260, prior to)) before the issuance and delivery
9 of the check or warrant (~~therefor~~), be (~~capable of being~~) assigned,
10 charged, or (~~ever be~~) taken in execution (~~or~~), attached (~~or~~),
11 garnished, (~~nor shall the same~~) or pass(~~or~~) or be paid(~~or~~) to any
12 other person by operation of law, (~~or by~~) any form of voluntary
13 assignment, or power of attorney. Any such assignment or charge
14 (~~shall be~~) is void(~~or~~) unless the transfer is to a financial
15 institution at the request of a worker or other beneficiary and made in
16 accordance with RCW 51.32.045 (~~shall be made: PROVIDED, That~~).

17 (2)(a) If any worker suffers (i) a permanent partial injury(~~or~~)
18 and dies from some other cause than the accident which produced
19 (~~such~~) the injury before he or she (~~shall have received~~) receives

1 payment of ~~((his or her))~~ the award for ~~((such))~~ the permanent partial
2 injury~~((,))~~ or ~~((if any worker suffers))~~ (ii) any other injury before
3 he or she ~~((shall have received))~~ receives payment of any monthly
4 installment covering any period of time ~~((prior to))~~ before his or her
5 death, the amount of ~~((such))~~ the permanent partial disability
6 award~~((,))~~ or ~~((of such))~~ the monthly payment, or both, shall be paid
7 to the surviving spouse~~((,))~~ or ~~((to))~~ the child or children if there
8 is no surviving spouse~~((:—PROVIDED FURTHER, That,))~~.

9 (b) If any worker suffers an injury and dies ~~((therefrom))~~ from it
10 before he or she ~~((shall have received))~~ receives payment of any
11 monthly installment covering time loss for any period of time ~~((prior~~
12 ~~to))~~ before his or her death, the amount of ~~((such))~~ the monthly
13 payment shall be paid to the surviving spouse~~((,))~~ or ~~((to))~~ the child
14 or children if there is no surviving spouse~~((:—PROVIDED FURTHER,~~
15 ~~That))~~.

16 (c) Any application for compensation under ~~((the foregoing provisos~~
17 ~~of this section))~~ this subsection (2) shall be filed with the
18 department or self-insuring employer within one year of the date of
19 death~~((:—PROVIDED FURTHER, That))~~. However, if the injured worker
20 resided in the United States as long as three years ~~((prior to))~~ before
21 the date of injury, ~~((such))~~ payment under this subsection (2) shall
22 not be made to any surviving spouse or child who was at the time of the
23 injury a nonresident of the United States~~((:—PROVIDED FURTHER, That))~~.

24 (3)(a) Any worker receiving benefits under this title who is
25 subsequently confined in, or who subsequently becomes eligible
26 ~~((therefor))~~ for benefits under this title while confined in, any
27 institution ~~((under conviction and sentence))~~ after being found guilty
28 of a crime shall have all payments of ~~((such))~~ the compensation
29 canceled during the period of confinement ~~((but))~~. After discharge
30 from the institution, payment of benefits ~~((thereafter))~~ due afterward
31 shall be paid if ~~((such))~~ the worker would, ~~((but))~~ except for the
32 provisions of this ~~((proviso))~~ subsection (3), otherwise be entitled
33 ~~((thereto:—PROVIDED FURTHER, That))~~ to them.

34 (b) If any prisoner is injured in the course of his or her
35 employment while participating in a work or training release program
36 authorized by chapter 72.65 RCW and is subject to the provisions of
37 this title, he or she ~~((shall be))~~ is entitled to payments under this
38 title, subject to the requirements of chapter 72.65 RCW, unless his or
39 her participation in ~~((such))~~ the program has been canceled, or unless

1 he or she is returned to a state correctional institution, as defined
2 in RCW 72.65.010(3), as a result of revocation of parole or new
3 sentence(~~(: PROVIDED FURTHER, That)~~).

4 (c) If (~~such incarcerated~~) the confined worker has any
5 beneficiaries during (~~such~~) the confinement period during which
6 benefits are canceled under (a) or (b) of this subsection, (~~any~~
7 ~~beneficiaries,~~) they shall be paid directly the monthly benefits which
8 would have been paid to (~~him or her~~) the worker for himself or
9 herself and (~~his or her~~) the worker's beneficiaries had (~~he or she~~)
10 the worker not been (~~so~~) confined.

11 (4) Any lump sum benefits to which (~~the~~) a worker would otherwise
12 be entitled but for the provisions of (~~these provisos~~) this section
13 shall be paid on a monthly basis to his or her beneficiaries.

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