
HOUSE BILL 2845

State of Washington 54th Legislature 1996 Regular Session

By Representatives Campbell, Conway and Scheuerman

Read first time 01/23/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to occupational disease; adding new sections to
2 chapter 51.28 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.28 RCW
5 to read as follows:

6 (1) An occupational disease claim shall be presumed to arise
7 naturally and proximately out of employment and the employer has the
8 burden of proving that an unsafe condition or practice at a workplace
9 did not contribute to the claimed occupational disease if the following
10 occur:

11 (a) A worker notifies the employer of an unsafe condition or
12 practice that might result in an occupational disease;

13 (b) A worker files an occupational disease claim alleging that an
14 occupational disease resulted from the unsafe condition or practice
15 after it was reported to the employer and before the employer
16 investigated and corrected the condition or practice; and

17 (c) A physician has certified that the claimant has an occupational
18 disease that, more likely than not, arose from the unsafe condition or
19 practice reported to the employer.

1 (2) If a worker notifies an employer of an unsafe condition or
2 practice that might result in an occupational disease, the employer
3 shall investigate and correct the condition or practice. Failure to
4 respond within a reasonable time to the notice subjects an employer to
5 a penalty determined by the director, but not to exceed two thousand
6 five hundred dollars for each offense, to be collected in a civil
7 action in the name of the department and paid into the supplemental
8 pension fund.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.28 RCW
10 to read as follows:

11 (1) The department shall adopt rules to implement section 1 of this
12 act.

13 (2) In making rules to determine a reasonable response time for
14 purposes of section 1(2) of this act, the department shall consider:

15 (a) The potential for harm from the condition or practice; (b) the
16 number of people affected by the condition or practice; and (c) the
17 ease of correcting the condition or practice.

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