
SENATE BILL 5670

State of Washington

54th Legislature

1995 Regular Session

By Senators Deccio, Newhouse, A. Anderson, Prince, Palmer, Bauer and Schow

Read first time 01/31/95. Referred to Committee on Labor, Commerce & Trade.

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

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

9 (3) 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((~~7~~) or ((~~to~~) the child
14 or children if there is no surviving spouse((~~7~~ ~~PROVIDED FURTHER,~~
15 ~~That~~)).

16 (4) Any application for compensation under ((~~the foregoing~~
17 ~~provises~~) subsections (2) and (3) of this section shall be filed with
18 the department or self-insuring employer within one year of the date of
19 death((~~7~~ ~~PROVIDED FURTHER, That~~)).

20 (5) If the injured worker resided in the United States as long as
21 three years ((~~prior to~~) before the date of injury, ((such)) payment
22 under subsection s (2) and (3) of this section shall not be made to any
23 surviving spouse or child who was at the time of the injury a
24 nonresident of the United States((~~7~~ ~~PROVIDED FURTHER, That~~)).

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

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

1 her participation in (~~such~~) the program has been canceled, or unless
2 he or she is returned to a state correctional institution, as defined
3 in RCW 72.65.010(3), as a result of revocation of parole or new
4 sentence(~~(: PROVIDED FURTHER, That)~~). If (~~such~~) the incarcerated
5 worker has any beneficiaries during (~~such~~) the confinement period,
6 (~~any beneficiaries,~~) they shall be paid directly the monthly benefits
7 which would have been paid to (~~him or her~~) the worker for himself or
8 herself and (~~his or her~~) the worker's beneficiaries had (~~he or she~~)
9 the worker not been (~~so~~) confined.

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

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