

1 **SHB 1607 - H AMD 210 FAILED 3-15-97**

2 By Representative Conway

3 On page 5, after line 32, insert the following:

4 "(12)(a) Self-insured employers have a duty of good faith and
5 fair dealing towards claimants. Violations of these good faith
6 duties shall include, but not be limited to: (i) Attempting to
7 close a valid claim under this section that the employer, or his or
8 her representative, knew or should have known was closed
9 inappropriately; (ii) interfering with a worker's right to file a
10 claim under this title; or (iii) having a history or pattern of
11 repeated unfair claims practices. The department shall adopt rules
12 on unfair claims practices.

13 (b) A worker of a self-insured employer, or beneficiary of
14 such worker, who is injured or damaged because of a violation of
15 this section or violation of a rule adopted by the director under
16 this section may bring a civil action against the self-insurer in
17 superior court to enjoin further violations and to recover
18 reasonable damages sustained by him or her, together with the cost
19 of the suit including reasonable attorneys' fees to be set by the
20 court."

21 Renumber the subsections consecutively.

EFFECT: Adds that a self-insured employer has a duty of good faith and fair dealing towards claimants. Violations of the duty include inappropriately closing claims, interfering with rights to file a claim, or a pattern of repeated unfair practices. A worker or beneficiary may file a civil action against the self-insurer to enjoin violations and to recover damages, including costs and attorneys' fees.