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SENATE BILL 5279

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Holmquist Newbry and King

Read first time 01/19/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to defining recovery for purposes of legal actions  
2 under the industrial insurance statutes; and amending RCW 51.24.030.

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

4 **Sec. 1.** RCW 51.24.030 and 1995 c 199 s 2 are each amended to read  
5 as follows:

6 (1) If a third person, not in a worker's same employ, is or may  
7 become liable to pay damages on account of a worker's injury for which  
8 benefits and compensation are provided under this title, the injured  
9 worker or beneficiary may elect to seek damages from the third person.

10 (2) In every action brought under this section, the plaintiff shall  
11 give notice to the department or self-insurer when the action is filed.  
12 The department or self-insurer may file a notice of statutory interest  
13 in recovery. When such notice has been filed by the department or  
14 self-insurer, the parties shall thereafter serve copies of all notices,  
15 motions, pleadings, and other process on the department or self-  
16 insurer. The department or self-insurer may then intervene as a party  
17 in the action to protect its statutory interest in recovery.

18 (3) For the purposes of this chapter, "injury" shall include any

1 physical or mental condition, disease, ailment or loss, including  
2 death, for which compensation and benefits are paid or payable under  
3 this title.

4 (4) Damages recoverable by a worker or beneficiary pursuant to the  
5 underinsured motorist coverage of an insurance policy shall be subject  
6 to this chapter only if the owner of the policy is the employer of the  
7 injured worker.

8 (5) For the purposes of this chapter, "recovery" includes all  
9 economic and noneconomic damages except loss of consortium.

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