

RCW 51.24.090 Compromise or settlement less than benefits. (1)

Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer. For a state fund claim, the department shall provide reasonable ongoing notice to the employer of the status of any compromise or settlement negotiations between the injured worker or beneficiary and the department, for the employer's information. For a state fund claim, notice to the employer is not required if the costs of the claim or claims are no longer included in the calculation of the employer's experience factor used to determine premiums; or if the employer cannot be located, is no longer in business, or requests that they not receive ongoing notice after the department provides timely notice of the settlement process to the employer. For the purposes of this chapter, "entitlement" means benefits and compensation paid and estimated by the department to be paid in the future.

(2) If a compromise or settlement is void because of subsection (1) of this section, the department or self-insurer may petition the court in which the action was filed for an order assigning the cause of action to the department or self-insurer. If an action has not been filed, the department or self-insurer may proceed as provided in chapter 7.24 RCW. [2017 c 145 s 1; 1995 c 199 s 5; 1984 c 218 s 7; 1977 ex.s. c 85 s 7.]

Severability—1995 c 199: See note following RCW 51.12.120.