
SUBSTITUTE HOUSE BILL 1579

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representative G. Cole)

Read first time 03/03/93.

1 AN ACT Relating to prohibited practices in industrial insurance;
2 amending RCW 51.28.050 and 51.28.055; adding a new section to chapter
3 51.48 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.48 RCW
6 to read as follows:

7 (1) It is unlawful for any employer, employer representative, or
8 any person to:

9 (a) Induce or coerce an employee not to report an industrial
10 accident or file an application for benefits;

11 (b) Induce or coerce an employee to treat an industrial accident as
12 an off-the-job injury;

13 (c) Unreasonably make it necessary for the employee to resort to
14 proceedings against the employer to obtain compensation;

15 (d) Engage in a practice of arbitrarily or unreasonably refusing
16 employment to applicants for employment or discharging employees
17 because of nondisabling bodily conditions; or

18 (e) Induce or coerce an employee's attending physician with regard
19 to releasing the employee for return to work.

1 (2) An employer, employer representative, or any person who
2 violates any provision of this section shall pay a civil penalty of one
3 thousand dollars for each offense upon order of the director, which
4 shall accrue for benefit of the affected employee. The director shall
5 issue an order conforming with RCW 51.52.050 determining whether a
6 violation has occurred within thirty days of a request by an employee.

7 **Sec. 2.** RCW 51.28.050 and 1984 c 159 s 1 are each amended to read
8 as follows:

9 Except as provided in RCW 51.28.055, no application shall be valid
10 or claim thereunder enforceable unless filed within one year after:

11 (a) The day upon which the injury occurred or the rights of
12 dependents or beneficiaries accrued(~~(, except as provided in RCW~~
13 51.28.055)); or

14 (b) If the failure to file an application or take action to enforce
15 an otherwise enforceable claim results from an act prohibited under
16 section 1 of this act, a final order determining that the prohibited
17 act occurred.

18 **Sec. 3.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read
19 as follows:

20 Claims for occupational disease or infection to be valid and
21 compensable must be filed within two years following:

22 (1) The date the worker had written notice from a physician:
23 ((+1)) (a) Of the existence of his or her occupational disease, and
24 ((+2)) (b) that a claim for disability benefits may be filed. The
25 notice shall also contain a statement that the worker has two years
26 from the date of the notice to file a claim. The physician shall file
27 the notice with the department. The department shall send a copy to
28 the worker and to the self-insurer if the worker's employer is self-
29 insured. However, a claim is valid if it is filed within two years
30 from the date of death of the worker suffering from an occupational
31 disease; or

32 (2) If the failure to file an application or take action to enforce
33 an otherwise enforceable claim results from an act prohibited under
34 section 1 of this act, a final order determining that the prohibited
35 act occurred.

--- END ---