
SUBSTITUTE SENATE BILL 5858

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Prentice, Heavey, Franklin, Wojahn, Fairley, Snyder and McAuliffe)

Read first time 03/01/95.

1 AN ACT Relating to prompt payment of industrial insurance awards;
2 adding a new section to chapter 51.32 RCW; creating a new section; and
3 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 51.32 RCW
6 to read as follows:

7 (1)(a) If the worker or beneficiary in a state fund claim prevails
8 in an appeal by any party to the board or the court, the department
9 shall comply with the board or court's order with respect to the
10 payment of compensation within the later of the following time periods:

11 (i) Sixty days after the compensation order has become final and is
12 not subject to review or appeal; or

13 (ii) If the order has become final and is not subject to review or
14 appeal and the department has, within the period specified in (a)(i) of
15 this subsection, requested the filing by the worker or beneficiary of
16 documents necessary to make payment of compensation, sixty days after
17 all requested documents are filed with the department.

18 The department may extend the sixty-day time period for an
19 additional thirty days for good cause.

1 (b) If the department fails to comply with (a) of this subsection,
2 any person entitled to compensation under the order may institute
3 proceedings for injunctive or other appropriate relief for enforcement
4 of the order. These proceedings may be instituted in the superior
5 court for the county in which the claimant resides, or, if the claimant
6 is not then a resident of this state, in the superior court for
7 Thurston county.

8 (2) In a proceeding under this section, the court shall enforce
9 obedience to the order by proper means, enjoining compliance upon the
10 person obligated to comply with the compensation order. The court may
11 issue such writs and processes as are necessary to carry out its orders
12 and may award a penalty of up to five hundred dollars to the person
13 entitled to compensation under the order and reasonable costs and
14 attorneys' fees. The court may award an additional penalty of five
15 hundred dollars for each month that payment is not received beyond the
16 time period allowed in subsection (1) of this section.

17 (3) A proceeding under this section does not preclude other methods
18 of enforcement provided for in this title.

19 NEW SECTION. **Sec. 2.** This act applies to all appeals in state
20 fund claims determined under Title 51 RCW on or after the effective
21 date of this act, regardless of the date of filing of the claim.

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