

2 SSB 5580 - S AMD - 203  
3 By Senators Heavey

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5 On page 5, after line 30, insert the following:

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

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

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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.