

HOUSE BILL ANALYSIS

SSB 5147

Brief Description: Prescribing procedures for payment of industrial insurance awards after death.

Sponsors: Senator Patterson

Hearing: March 25, 1999

Brief Summary of Bill

- Requires certain industrial insurance benefits owing to an injured worker for a period before the worker's death to be distributed under the worker's estate if there are no surviving statutory beneficiaries.

BACKGROUND:

Certain beneficiaries of injured workers receive industrial insurance benefit payments when an injured worker dies before the benefits can be paid. These payments include:

- a permanent partial disability award, if the injured worker dies of a cause other than the industrial accident before receiving the award;
- monthly benefits covering a period before the death of the worker, if the worker suffers another injury; and
- time loss benefits covering the period before death, if the worker dies from an injury.

The beneficiaries entitled to these payments are the worker's surviving spouse, or children of the worker if there is no surviving spouse. Under the industrial insurance law, "child" means a child under age 18, or under age 23 if the child is a full-time student, and a child of any age that is dependent because of a physical, mental, or sensory handicap.

SUMMARY OF BILL:

If a injured worker dies and has no surviving statutory beneficiaries, certain unpaid benefits must be paid and distributed under the decedent's will, or if there is no will, according to the

statute governing distribution of assets of persons who die without a will. This requirement applies to:

- a permanent partial disability award, if the injured worker dies of a cause other than the industrial accident before receiving the award;
- monthly benefits covering a period before the death of the worker, if the worker suffers another injury; and
- time loss benefits covering the period before death, if the worker dies from an injury.

The Department of Labor and Industries or self-insured employer satisfies its responsibility to make this payment by sending the payment, in the name of the decedent to the decedent's last known address.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Available.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.