

HB 2123 - H AMD 813

By Representative Reykdal

SCOPE AND OBJECT 05/23/2011

1 On page 17, after line 35, insert the following:

2 **"PART 4. ELIMINATING RESTRICTIONS ON CAUSES OF ACTION BY WORKERS**
3 **INJURED IN EMPLOYMENT**

4 **Sec. 401.** RCW 51.04.010 and 1977 ex.s. c 350 s 1 are each amended
5 to read as follows:

6 ~~((The common law system governing the remedy of workers against~~
7 ~~employers for injuries received in employment is inconsistent with~~
8 ~~modern industrial conditions. In practice it proves to be economically~~
9 ~~unwise and unfair. Its administration has produced the result that~~
10 ~~little of the cost of the employer has reached the worker and that~~
11 ~~little only at large expense to the public. The remedy of the worker~~
12 ~~has been uncertain, slow and inadequate. Injuries in such works,~~
13 ~~formerly occasional, have become frequent and inevitable.)) The~~
14 welfare of the state depends upon its industries, and even more upon
15 the welfare of its wage worker. The state of Washington, therefore,
16 exercising ~~((herein))~~ in this title its police and sovereign power,
17 declares that ~~((all phases of the premises are withdrawn from private~~
18 ~~controversy, and))~~ sure and certain relief for workers, injured in
19 their work, and their families and dependents is hereby provided
20 regardless of questions of fault ~~((and to the exclusion of every other~~
21 ~~remedy, proceeding or compensation, except as otherwise provided in~~
22 ~~this title; and to that end all civil actions and civil causes of~~
23 ~~action for such personal injuries and all jurisdiction of the courts of~~
24 ~~the state over such causes are hereby abolished, except as in this~~
25 ~~title provided))~~. Workers and their families and dependents shall be
26 entitled to the full compensation and benefits provided by this title
27 and also have a cause of action against the employer for damages as
28 otherwise provided by law.

1 **Sec. 402.** RCW 51.32.010 and 1977 ex.s. c 350 s 37 are each amended
2 to read as follows:

3 Each worker injured in the course of his or her employment, or his
4 or her family or dependents in case of death of the worker, shall
5 receive compensation in accordance with this chapter(~~(, and, except as~~
6 ~~in this title otherwise provided, such payment shall be in lieu of any~~
7 ~~and all rights of action whatsoever against any person whomsoever:~~
8 ~~PROVIDED, That)~~). However, if an injured worker, or the surviving
9 spouse of an injured worker shall not have the legal custody of a child
10 for, or on account of whom payments are required to be made under this
11 title, such payment or payments shall be made to the person or persons
12 having the legal custody of such child but only for the periods of time
13 after the department has been notified of the fact of such legal
14 custody, and it shall be the duty of any such person or persons
15 receiving payments because of legal custody of any child immediately to
16 notify the department of any change in such legal custody.

17 NEW SECTION. **Sec. 403.** RCW 51.24.020 (Action against employer for
18 intentional injury) and 1984 c 218 s 2, 1977 ex.s. c 350 s 31, 1973 1st
19 ex.s. c 154 s 94, & 1961 c 23 s 51.24.020 are each repealed."

20 Renumber the remaining parts and sections consecutively, correct
21 any internal references accordingly, and correct the title.

EFFECT: Allows injured workers to seek damages in a cause of
action against an employer in addition to receiving workers'
compensation benefits.

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