H-1291.1

HOUSE BILL 1755

State of Washington   **65th Legislature**   **2017 Regular Session**

By Representative Manweller

Read first time 01/27/17. Referred to Committee on Labor & Workplace Standards.

1   AN ACT Relating to notice to state fund employers for certain
2 workers' compensation third-party settlements; and amending RCW
3 51.24.090.

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

5   **Sec. 1.** RCW 51.24.090 and 1995 c 199 s 5 are each amended to
6 read as follows:
7   (1) Any compromise or settlement of the third party cause of
8 action by the injured worker or beneficiary which results in less
9 than the entitlement under this title is void unless made with the
10 written approval of the department or self-insurer((: PROVIDED,
11 That)). For a state fund claim, the department shall provide
12 reasonable ongoing notice to the employer of the status of any
13 compromise or settlement negotiations between the injured worker or
14 beneficiary and the department. For a state fund claim, notice to the
15 employer is not required if the costs of the claim or claims are no
16 longer included in the calculation of the employer's experience
17 factor used to determine premiums; or if the employer cannot be
18 located, is no longer in business, fails to respond, or declines to
19 participate after the department provides timely notice of the
20 settlement process to the employer. For the purposes of this chapter,

1 "entitlement" means benefits and compensation paid and estimated by
2 the department to be paid in the future.
3   (2) If a compromise or settlement is void because of subsection
4 (1) of this section, the department or self-insurer may petition the
5 court in which the action was filed for an order assigning the cause
6 of action to the department or self-insurer. If an action has not
7 been filed, the department or self-insurer may proceed as provided in
8 chapter 7.24 RCW.

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