

SENATE BILL REPORT

SB 5070

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, FEBRUARY 26, 1991

Brief Description: Redefining terms for industrial insurance compensation.

SPONSORS: Senators Nelson, Oke and Craswell.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, and Moore.

Staff: Dave Cheal (786-7576)

Hearing Dates: January 30, 1991; February 26, 1991

BACKGROUND:

In February 1990, the Washington Supreme Court ruled that a juror was an employee of Kitsap County for industrial insurance purposes, and that a car accident which occurred while the juror was driving directly from the courthouse to his home occurred in the course of his employment. Therefore, his claim for coverage under the industrial insurance law must be allowed and charged to Kitsap County.

Injuries which occur during commuting to and from work are generally not covered by industrial insurance. However, several previous cases had held that if the employer has a contractual or legal obligation to reimburse the employee for that travel, such travel occurs within the course of the worker's employment.

SUMMARY:

The section of the industrial insurance law which defines "acting in the course of employment" is redefined to exclude time spent by jurors commuting to and from the location of their jury service regardless of whether they are reimbursed for mileage.

The definition of "worker" is expanded to expressly exclude any person who appears as a witness in any criminal, civil, administrative, or other public proceeding, unless the appearance is otherwise within the course of the worker's official duties as a public employee.

EFFECT OF PROPOSED SUBSTITUTE:

The definition of "worker" is amended to expressly exclude witnesses appearing in any criminal, civil, administrative, or other public proceeding, unless the appearance is otherwise within the course of the worker's employment.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The risks associated with juror travel to and from the home cannot be managed or influenced by public employers, unlike the workplace injuries of regular employees. Therefore it is inappropriate to require public employers to insure a risk they have no control over.

Witnesses should not be considered employees of the public entity conducting the proceeding for industrial insurance purposes because the activity of testifying is so transient and the public entity has little control over the behavior of the witness.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Gary Lowe, Assn. of Counties; Al Hatten, Reinhold Schuetz, Kitsap County; Greg Kane, Spokane County