
HOUSE BILL 1463

State of Washington 52nd Legislature 1991 Regular Session

By Representatives R. King, Fuhrman, Cole, Heavey, Jones and Franklin.

Read first time January 30, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employee rights regarding industrial insurance
2 claims; amending RCW 51.52.130; and adding new sections to chapter
3 51.14 RCW.

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

5 **Sec. 1.** RCW 51.52.130 and 1982 c 63 s 23 are each amended to read
6 as follows:

7 If, on appeal to the superior or appellate court from the decision
8 and order of the board, said decision and order is reversed or modified
9 and additional relief is granted to a worker or beneficiary, or in
10 cases where a party other than the worker or beneficiary is the
11 appealing party and the worker's or beneficiary's right to relief is
12 sustained (~~by the court~~), a reasonable fee for the services of the
13 worker's or beneficiary's attorney shall be fixed by the court. In
14 fixing the fee the court shall take into consideration the fee or fees,
15 if any, fixed by the director and the board for such attorney's

1 services before the department and the board. If the court finds that
2 the fee fixed by the director or by the board is inadequate for
3 services performed before the department or board, or if the director
4 or the board has fixed no fee for such services, then the court shall
5 fix a fee for the attorney's services before the department, or the
6 board, as the case may be, in addition to the fee fixed for the
7 services in the court. If the decision and order of the board is
8 reversed or modified (~~and if the accident fund is affected by the~~
9 ~~litigation then~~) or if the worker or beneficiary's right to relief is
10 sustained, the attorney's fee fixed by the court, for services before
11 the court only, and the fees of medical and other witnesses and ((the))
12 other costs shall be payable out of the administrative fund of the
13 department. In the case of self-insured employers, (~~if the decision~~
14 ~~and order of the board is reversed or modified resulting in additional~~
15 ~~benefits by the litigation that would be paid from the accident fund if~~
16 ~~the employer were not self-insured, then~~) the attorney fees fixed by
17 the court, for services before the court((7)) only, and the fees of
18 medical and other witnesses and ((the)) other costs shall be payable
19 directly by the self-insured employer.

20 NEW SECTION. Sec. 2. (1) The self-insurer shall provide a
21 copy of the employee's claim file at no cost within fifteen days of
22 receipt of a request by the employee or the employee's representative.
23 The self-insurer shall provide the entire contents of the claim file
24 unless the request is for only a particular portion of the file.

25 (2) The self-insurer shall transmit notice to the department of any
26 protest by an employee relating to the administration of an industrial
27 injury claim under this chapter by the end of the next working day.
28 Failure of a self-insurer to comply with this notification requirement

1 shall subject the self-insurer to the penalty provisions of RCW
2 51.48.017.

3 (3) The self-insurer shall submit a medical report with the request
4 for closure of a claim under this chapter.

5 NEW SECTION. **Sec. 3.** The self-insurer shall request allowance
6 or denial of a claim within sixty days from the date that the claim is
7 filed, or the claim shall be deemed allowed. A self-insurer may
8 request, for good cause, an extension of the deadline for an additional
9 thirty days, if written notice of the extension is provided to the
10 employee within forty-five days from the date the claim is filed.

11 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each
12 added to chapter 51.14 RCW.