
SENATE BILL 5533

State of Washington 52nd Legislature 1991 Regular Session

By Senators Matson, Owen, Anderson, Oke and Madsen.

Read first time February 5, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance benefits during confinement
2 in an institution; and amending RCW 51.32.040.

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

4 **Sec. 1.** RCW 51.32.040 and 1987 c 75 s 7 are each amended to read
5 as follows:

6 No money paid or payable under this title shall, except as provided
7 for in RCW 43.20B.720 or 74.20A.260, prior to the issuance and delivery
8 of the check or warrant therefor, be capable of being assigned,
9 charged, or ever be taken in execution or attached or garnished, nor
10 shall the same pass, or be paid, to any other person by operation of
11 law, or by any form of voluntary assignment, or power of attorney. Any
12 such assignment or charge shall be void, unless the transfer is to a
13 financial institution at the request of a worker or other beneficiary
14 and in accordance with RCW 51.32.045 shall be made: PROVIDED, That if
15 any worker suffers a permanent partial injury, and dies from some other

1 cause than the accident which produced such injury before he or she
2 shall have received payment of his or her award for such permanent
3 partial injury, or if any worker suffers any other injury before he or
4 she shall have received payment of any monthly installment covering any
5 period of time prior to his or her death, the amount of such permanent
6 partial award, or of such monthly payment or both, shall be paid to the
7 surviving spouse, or to the child or children if there is no surviving
8 spouse: PROVIDED FURTHER, That, if any worker suffers an injury and
9 dies therefrom before he or she shall have received payment of any
10 monthly installment covering time loss for any period of time prior to
11 his or her death, the amount of such monthly payment shall be paid to
12 the surviving spouse, or to the child or children if there is no
13 surviving spouse: PROVIDED FURTHER, That any application for
14 compensation under the foregoing provisos of this section shall be
15 filed with the department or self-insuring employer within one year of
16 the date of death: PROVIDED FURTHER, That if the injured worker
17 resided in the United States as long as three years prior to the date
18 of injury, such payment shall not be made to any surviving spouse or
19 child who was at the time of the injury a nonresident of the United
20 States: PROVIDED FURTHER, That any worker receiving benefits under
21 this title who is subsequently confined in, or who subsequently becomes
22 eligible therefor while confined in any institution ((~~under conviction~~
23 ~~and sentence~~)) shall have all payments of such compensation canceled
24 during the period of confinement but after discharge from the
25 institution payment of benefits thereafter due shall be paid if such
26 worker would, but for the provisions of this proviso, otherwise be
27 entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in
28 the course of his or her employment while participating in a work or
29 training release program authorized by chapter 72.65 RCW and is subject
30 to the provisions of this title, he or she shall be entitled to

1 payments under this title subject to the requirements of chapter 72.65
2 RCW unless his or her participation in such program has been canceled,
3 or unless he or she is returned to a state correctional institution, as
4 defined in RCW 72.65.010(3), as a result of revocation of parole or new
5 sentence: PROVIDED FURTHER, That if such incarcerated worker has
6 during such confinement period, any beneficiaries, they shall be paid
7 directly the monthly benefits which would have been paid to him or her
8 for himself or herself and his or her beneficiaries had he or she not
9 been so confined. Any lump sum benefits to which the worker would
10 otherwise be entitled but for the provisions of these provisos shall be
11 paid on a monthly basis to his or her beneficiaries.