

1 **SHB 1378 - H AMD 184**

2 By Representatives Mastin and Campbell

3 On page 1, beginning on line 14, strike all of subsection (2)
4 and insert the following:

5 "(2)(a) If a worker has an occupational disease that is caused
6 in part by occupational exposure during the course of employment
7 not covered pursuant to RCW 51.12.020, the worker or the worker's
8 beneficiaries shall receive benefits under this title as determined
9 under this subsection (2). For purposes of this section, it is
10 presumed that injurious occupational exposure in employment covered
11 by this title:

12 (i) Contributed to one hundred percent of the development of
13 the disease if the period of injurious occupational exposure
14 covered by this title was sixty percent or more of the total period
15 of exposure.

16 (ii) Contributed to the development of the disease only in
17 the proportion to which the period of occupational exposure covered
18 by this title bears to the total period of exposure, if the period
19 of injurious occupational exposure in employment covered by this
20 title is less than sixty percent of the total period of exposure.

21 (b) If under either (a)(i) or (a)(ii) of this subsection,
22 injurious exposure occurred during employment under two or more
23 employers covered under this title, then the cost of the benefits
24 determined under this subsection shall be apportioned among the
25 responsible covered employers.

26 (c) For the purposes of this subsection, "total period of
27 exposure" means the total period of injurious exposure in
28 employment covered under this title and in employment not covered
29 pursuant to RCW 51.12.020."

EFFECT: The amendment changes the method for establishing liability under the industrial insurance law for occupational diseases when exposure also occurs in noncovered employment. Instead of presuming that development of the disease is proportional to the period of exposure, the amendment creates a presumption that:

(1) if the period of exposure in covered employment is 60 percent or more of the total exposure, then liability is under covered employment.

(2) if the period of exposure in covered employment is less than 60 percent of total exposure, then liability is proportional to the period of exposure.

If more than one covered employer is involved, the liability relating to covered employment will be apportioned among these employers.