

2 SHB 1250 - S COMM AMD

3 By Committee on Labor, Commerce & Trade

4 ADOPTED 4/7/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW
8 to read as follows:

9 (1)(a) If the worker or beneficiary in a state fund claim prevails
10 in an appeal by any party to the board or the court, the department
11 shall comply with the board or court's order with respect to the
12 payment of compensation within the later of the following time periods:

- 13 (i) Sixty days after the compensation order is entered; or
14 (ii) If, after the order has been entered and the department has,
15 within the period specified in (a)(i) of this subsection, requested the
16 filing by the worker or beneficiary of documents necessary to make
17 payment of compensation, sixty days after all requested documents are
18 filed with the department.

19 The department may extend the sixty-day time period for an
20 additional thirty days for good cause.

21 (b) If the department fails to comply with (a) of this subsection,
22 any person entitled to compensation under the order may institute
23 proceedings for injunctive or other appropriate relief for enforcement
24 of the order. These proceedings may be instituted in the superior
25 court for the county in which the claimant resides, or, if the claimant
26 is not then a resident of this state, in the superior court for
27 Thurston county.

28 (2) In a proceeding under this section, the court shall enforce
29 obedience to the order by proper means, enjoining compliance upon the
30 person obligated to comply with the compensation order. The court may
31 issue such writs and processes as are necessary to carry out its orders
32 and may award a penalty of up to five hundred dollars to the person
33 entitled to compensation under the order and reasonable costs and
34 attorneys' fees. The court may award an additional penalty of five
35 hundred dollars for each month that payment is not received beyond the
36 time period allowed in subsection (1) of this section.

1 (3) A proceeding under this section does not preclude other methods
2 of enforcement provided for in this title.

3 NEW SECTION. **Sec. 2.** This act applies to all appeals in state
4 fund claims determined under Title 51 RCW on or after the effective
5 date of this act, regardless of the date of filing of the claim."

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9 On page 1, line 1 of the title, after "awards;" strike the
10 remainder of the title and insert "adding a new section to chapter
11 51.32 RCW; creating a new section; and prescribing penalties."

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