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**SUBSTITUTE SENATE BILL 5147**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Labor & Workforce Development (originally sponsored by Senator Patterson)

Read first time 02/17/1999.

1 AN ACT Relating to payment of industrial insurance awards after  
2 death; 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 1996 c 47 s 1 are each amended to read  
5 as follows:

6 (1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money  
7 paid or payable under this title shall, before the issuance and  
8 delivery of the check or warrant, be assigned, charged, or taken in  
9 execution, attached, garnished, or pass or be paid to any other person  
10 by operation of law, any form of voluntary assignment, or power of  
11 attorney. Any such assignment or charge is void unless the transfer is  
12 to a financial institution at the request of a worker or other  
13 beneficiary and made in accordance with RCW 51.32.045.

14 (2)(a) If any worker suffers (i) a permanent partial injury and  
15 dies from some other cause than the accident which produced the injury  
16 before he or she receives payment of the award for the permanent  
17 partial injury or (ii) any other injury before he or she receives  
18 payment of any monthly installment covering any period of time before  
19 his or her death, the amount of the permanent partial disability award

1 or the monthly payment, or both, shall be paid to the surviving spouse  
2 or the child or children if there is no surviving spouse. If there is  
3 no surviving spouse and no child or children, the award or the amount  
4 of the monthly payment shall be paid by the department or self-insurer  
5 and distributed consistent with the terms of the decedent's will or, if  
6 the decedent dies intestate, consistent with the terms of RCW  
7 11.04.015.

8 (b) If any worker suffers an injury and dies from it before he or  
9 she receives payment of any monthly installment covering time loss for  
10 any period of time before his or her death, the amount of the monthly  
11 payment shall be paid to the surviving spouse or the child or children  
12 if there is no surviving spouse. If there is no surviving spouse and  
13 no child or children, the amount of the monthly payment shall be paid  
14 by the department or self-insurer and distributed consistent with the  
15 terms of the decedent's will or, if the decedent dies intestate,  
16 consistent with the terms of RCW 11.04.015.

17 (c) Any application for compensation under this subsection (2)  
18 shall be filed with the department or self-insuring employer within one  
19 year of the date of death. The department or self-insurer shall have  
20 satisfied its responsibilities under this subsection (2) by sending any  
21 payment due in the name of the decedent and to the last known address  
22 of the decedent.

23 (3)(a) Any worker or beneficiary receiving benefits under this  
24 title who is subsequently confined in, or who subsequently becomes  
25 eligible for benefits under this title while confined in, any  
26 institution under conviction and sentence shall have all payments of  
27 the compensation canceled during the period of confinement. After  
28 discharge from the institution, payment of benefits due afterward shall  
29 be paid if the worker or beneficiary would, except for the provisions  
30 of this subsection (3), otherwise be entitled to them.

31 (b) If any prisoner is injured in the course of his or her  
32 employment while participating in a work or training release program  
33 authorized by chapter 72.65 RCW and is subject to the provisions of  
34 this title, he or she is entitled to payments under this title, subject  
35 to the requirements of chapter 72.65 RCW, unless his or her  
36 participation in the program has been canceled, or unless he or she is  
37 returned to a state correctional institution, as defined in RCW  
38 72.65.010(3), as a result of revocation of parole or new sentence.

1       (c) If the confined worker has any beneficiaries during the  
2 confinement period during which benefits are canceled under (a) or (b)  
3 of this subsection, they shall be paid directly the monthly benefits  
4 which would have been paid to the worker for himself or herself and the  
5 worker's beneficiaries had the worker not been confined.

6       (4) Any lump sum benefits to which a worker would otherwise be  
7 entitled but for the provisions of this section shall be paid on a  
8 monthly basis to his or her beneficiaries.

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