
SENATE BILL 6350

State of Washington

56th Legislature

2000 Regular Session

By Senators Kline, Fairley, Heavey, Thibaudeau, Costa, Kohl-Welles, McAuliffe and Goings

Read first time 01/14/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to occupational disease; adding new sections to
2 chapter 51.28 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.28 RCW
5 to read as follows:

6 (1) An occupational disease claim is presumed to arise naturally
7 and proximately out of employment and the employer has the burden of
8 proving that an unsafe or unhealthy condition, practice, or other
9 hazard at a workplace did not contribute to the claimed occupational
10 disease if the following occur:

11 (a) A worker notifies the employer of an unsafe or unhealthy
12 condition, practice, or other hazard that might result in an
13 occupational disease;

14 (b) A worker files an occupational disease claim alleging that an
15 occupational disease resulted from the unsafe or unhealthy condition,
16 practice, or other hazard after it was reported to the employer and
17 before the employer investigated and corrected the condition, practice,
18 or other hazard; and

1 (c) A physician has certified that the claimant has an occupational
2 disease that, more likely than not, arose from the type of unsafe or
3 unhealthy condition, practice, or other hazard reported to the
4 employer.

5 (2) If a worker notifies an employer of an unsafe or unhealthy
6 condition, practice, or other hazard that might result in an
7 occupational disease, the employer shall investigate and correct the
8 condition, practice, or other hazard. Failure to respond within a
9 reasonable time to the notice subjects an employer to a penalty
10 determined by the director, but not to exceed two thousand five hundred
11 dollars for each offense.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.28 RCW
13 to read as follows:

14 (1) The department shall adopt rules to implement section 1 of this
15 act.

16 (2) In making rules to determine a reasonable response time for
17 purposes of section 1(2) of this act, the department shall consider:
18 (a) The potential for harm from the condition, practice, or other
19 hazard; and (b) the ease of correcting the condition, practice, or
20 other hazard.

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