

SENATE BILL REPORT

SB 5271

As Passed Senate, June 11, 2003

Title: An act relating to claims for hearing loss due to occupational noise exposure.

Brief Description: Regarding industrial insurance hearing loss claims.

Sponsors: Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Commerce & Trade: 1/30/03, 2/6/03 [DP, DNP].

Passed Senate: 2/18/03, 28-21.

First Special Session: Passed Senate: 6/10/03, 27-19.

Second Special Session: Passed Senate: 6/11/03, 25-13.

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: Do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

Minority Report: Do not pass.

Signed by Senators Franklin and Keiser.

Staff: Jennifer Ziegler (786-7316)

Background: An occupational disease is a disease or infection that arises naturally and proximately out of employment. A worker may receive medical and time-loss compensation for occupational diseases. Current law requires a worker to file an occupational disease claim within two years of the worker's receipt of written notice from a doctor that the medical condition was caused by exposure in the workplace.

Summary of Bill: A worker must file a claim for hearing loss due to occupational noise exposure within two years of the date of the worker's last injurious exposure to occupational noise or within one year of the effective date of this act, whichever is later. The compensation a worker receives is limited to medical aid benefits when a claim for hearing loss due to occupational noise exposure is not filed within two years of the worker's last injurious exposure.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There are people filing hearing loss claims that have not worked in Washington for ten years. The statute of limitations would not apply to medical benefits. It is difficult to determine when or how hearing loss occurred.

Testimony Against: It is common for a worker to not realize that he or she has been hurt. There is already a mechanism for a two-year limit on claims. The department is interested in saving money, not in trying to help the injured worker.

Testified: PRO: Paul Trause, Vickie Kennedy, Dept. of Labor and Industries; Mitch Sullivan, United Warehouses; Scott Crosser, Supervalu; CON: Roger Boatwright, WA State Building and Construction Trades Council; Wayne Lieb, WA State Trial Lawyer's Assn.; Joe Murphy; Robby Stern, WA State Labor Council.