

CERTIFICATION OF ENROLLMENT

SENATE BILL 5271

58th Legislature
2003 2nd Special Session

Passed by the Senate June 11, 2003
YEAS 25 NAYS 13

President of the Senate

Passed by the House June 11, 2003
YEAS 69 NAYS 21

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 5271 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5271

Passed Legislature - 2003 2nd Special Session

State of Washington

58th Legislature

2003 Regular Session

By Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries

Read first time 01/21/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to claims for hearing loss due to occupational
2 noise exposure; and amending RCW 51.28.055.

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

4 **Sec. 1.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section for claims
7 filed for occupational hearing loss, claims for occupational disease or
8 infection to be valid and compensable must be filed within two years
9 following the date the worker had written notice from a physician:
10 ~~((1))~~ (a) Of the existence of his or her occupational disease, and
11 ~~((2))~~ (b) that a claim for disability benefits may be filed. The
12 notice shall also contain a statement that the worker has two years
13 from the date of the notice to file a claim. The physician shall file
14 the notice with the department. The department shall send a copy to
15 the worker and to the self-insurer if the worker's employer is self-
16 insured. However, a claim is valid if it is filed within two years
17 from the date of death of the worker suffering from an occupational
18 disease.

1 (2)(a) Except as provided in (b) of this subsection, to be valid
2 and compensable, claims for hearing loss due to occupational noise
3 exposure must be filed within two years of the date of the worker's
4 last injurious exposure to occupational noise in employment covered
5 under this title or within one year of the effective date of this
6 section, whichever is later.

7 (b) A claim for hearing loss due to occupational noise exposure
8 that is not timely filed under (a) of this subsection can only be
9 allowed for medical aid benefits under chapter 51.36 RCW.

10 (3) The department may adopt rules to implement this section.

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