

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1726

Chapter 122, Laws of 2003

58th Legislature
2003 Regular Session

EMPLOYER INDEBTEDNESS

EFFECTIVE DATE: 7/27/03

Passed by the House March 11, 2003
Yeas 92 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2003
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1726** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 7, 2003 - 2:53 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1726

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Haigh and Armstrong; by request of Office of
Financial Management

Read first time 02/06/2003. Referred to Committee on Commerce &
Labor.

1 AN ACT Relating to an employer's indebtedness to a deceased person
2 for unpaid wages, labor, or services performed; and amending RCW
3 49.48.120.

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

5 **Sec. 1.** RCW 49.48.120 and 1981 c 333 s 2 are each amended to read
6 as follows:

7 (1) If at the time of the death of any person, his or her employer
8 is indebted to him or her for work, labor, and services performed, and
9 no executor or administrator of his or her estate has been appointed,
10 ~~((such))~~ the employer shall upon the request of the surviving spouse
11 ~~((forthwith))~~ pay ~~((said))~~ the indebtedness~~((r))~~ in ~~((such))~~ an amount
12 as may be due not exceeding the sum of two thousand five hundred
13 dollars, to the ~~((said))~~ surviving spouse, or if the decedent leaves no
14 surviving spouse, then to the decedent's child or children, or if no
15 children, then to the decedent's father or mother ~~((of said decedent+
16 PROVIDED, HOWEVER, That if by virtue of a community property agreement
17 between))~~.

1 (2) In the event the decedent's employer is the state of
2 Washington, then the amount of the indebtedness that can be paid under
3 subsection (1) of this section shall not exceed ten thousand dollars.
4 At the beginning of each biennium, the director of financial management
5 may by administrative policy adjust the amount of indebtedness that can
6 be paid under this subsection to levels not to exceed the percentage
7 increase in the consumer price index for all urban consumers, CPI-U,
8 for Seattle, or a successor index, for the previous biennium as
9 calculated by the United States department of labor. Adjusted dollar
10 amounts of indebtedness shall be rounded to the nearest five hundred
11 dollar increment.

12 (3) If the decedent and the surviving spouse(~~(, which))~~ have
13 entered into a community property agreement that meets the requirements
14 of RCW 26.16.120, and the right to (~~(such))~~ the indebtedness became the
15 sole property of the surviving spouse upon the death of the decedent,
16 the employer shall pay to the surviving spouse the total of (~~(such))~~
17 the indebtedness, or that portion which is governed by the community
18 property agreement, upon presentation of (~~(said))~~ the agreement
19 accompanied by an affidavit or declaration of the surviving spouse
20 stating that (~~(such))~~ the agreement was executed in good faith between
21 the parties (~~(thereto))~~ and had not been rescinded by the parties
22 (~~(prior to))~~ before the decedent's death (~~(of the decedent: PROVIDED~~
23 ~~FURTHER, That))~~).

24 (4) In all cases, the employer shall require proof of the
25 claimant's relationship to the decedent by affidavit or declaration,
26 and shall require the claimant to acknowledge receipt of (~~(such))~~ the
27 payment in writing.

28 (5) Any payments made by an employer pursuant to the provisions of
29 RCW 49.48.115 and 49.48.120 shall operate as a full and complete
30 discharge of the employer's indebtedness to the extent of (~~(said))~~ the
31 payment, and no employer shall thereafter be liable (~~(therefor))~~ to the
32 decedent's estate, or the decedent's executor or administrator
33 thereafter appointed.

34 (6) The employer may also pay the indebtedness upon presentation of
35 an affidavit as provided in RCW 11.62.010.

Passed by the House March 11, 2003.
Passed by the Senate April 10, 2003.
Approved by the Governor May 7, 2003.
Filed in Office of Secretary of State May 7, 2003.