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**Commerce & Labor Committee**

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**HB 2853**

**Brief Description:** Modifying the statute of limitations for industrial insurance claims.

**Sponsors:** Representatives Conway, Wood, Kenney, Hasegawa and Simpson.

**Brief Summary of Bill**

- Provides that the one year time frame for filing an industrial insurance claim application begins to run after the disabling effect of an injury is discovered.

**Hearing Date:** 1/23/06

**Staff:** Sarah Dylag (786-7109).

**Background:**

Industrial insurance is a no-fault state workers' compensation program that provides medical and partial wage replacement benefits to covered workers who are injured on the job or who develop an occupational disease.

When an accident occurs to a worker, the worker has a duty under the Industrial Insurance Act to report the accident "forthwith" to the employer or supervisor in charge of the work. The employer, in turn, has a duty to report the accident and resulting injury "at once" to the Department if the worker has received medical treatment, has been hospitalized or disabled from work, or has died as the apparent result of the injury.

Workers must also file a claim application with the Department or self-insured employer, together with a certificate of the attending health services provider. In most cases, the claim application must be filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued.

For occupational diseases, a worker must 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. An occupational disease is a disease or infection that arises naturally and proximately out of employment.

A claim for hearing loss due to occupational noise exposure must be filed within two years of the date of the worker's last injurious exposure to occupational noise.

**Summary of Bill:**

A claim application filed within one year of the day upon which the disabling effect of the injury was discovered is also valid. This does not apply to occupational disease claims or a claim for hearing loss due to occupational noise exposure.

**Rulemaking Authority:** The bill does not contain provisions addressing the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2006.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.