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HOUSE BILL 1612

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Robinson, Reykdal, Sells, Dunshee, and Pollet

Read first time 01/23/15. Referred to Committee on Labor.

1            AN ACT Relating to the payment of workers' compensation benefits  
2 by self-insured employers pending appeal; and amending RCW 51.48.017.

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

4            **Sec. 1.** RCW 51.48.017 and 2010 c 8 s 14011 are each amended to  
5 read as follows:

6            (1) Except as provided in subsection (2) of this section, if a  
7 self-insurer unreasonably delays or refuses to pay benefits as they  
8 become due there shall be paid by the self-insurer upon order of the  
9 director an additional amount equal to five hundred dollars or  
10 twenty-five percent of the amount then due, whichever is greater,  
11 which shall accrue for the benefit of the claimant and shall be paid  
12 to him or her with the benefits which may be assessed under this  
13 title. The director shall issue an order determining whether there  
14 was an unreasonable delay or refusal to pay benefits within thirty  
15 days upon the request of the claimant. Such an order shall conform to  
16 the requirements of RCW 51.52.050.

17            (2)(a) A self-insurer that unreasonably delays or refuses to pay  
18 benefits pending an appeal to the board, shall, upon order of the  
19 director, pay an additional amount as follows:

20            (i) For the self-insurer's first violation, one thousand dollars  
21 or twenty-five percent of the amount then due, whichever is greater;

1 (ii) For the second violation within twenty-four months of the  
2 first violation, one thousand dollars or thirty-five percent of the  
3 amount then due, whichever is greater;

4 (iii) For the third violation within twenty-four months of the  
5 first violation, one thousand dollars or forty-five percent of the  
6 amount then due, whichever is greater; and

7 (iv) Thereafter, for every subsequent violation within twenty-  
8 four months of the first violation, the percentage of the amount due  
9 is increased by an additional ten percent per violation, and the  
10 self-insurer shall pay an amount equal to one thousand dollars or the  
11 escalated percentage of the amount then due, whichever is greater.

12 (b) If the self-insurer has no second violation within twenty-  
13 four months of a first violation, then a subsequent violation shall  
14 be considered a first violation.

15 (c) The additional amounts accrue for the benefit of the claimant  
16 and must be paid to him or her with the benefits that may be assessed  
17 under this title. The director shall issue an order determining  
18 whether there was an unreasonable delay or refusal to pay benefits  
19 within thirty days upon the request of the claimant. Such an order  
20 must conform to the requirements of RCW 51.52.050.

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