CERTIFICATION OF ENROLLMENT

**SENATE BILL 5831**

Chapter 89, Laws of 2019

66th Legislature

2019 Regular Session

EMPLOYER INDEBTEDNESS TO DECEDENT--SURVIVOR PAYMENT

EFFECTIVE DATE: July 28, 2019

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| Passed by the Senate March 5, 2019  Yeas 47 Nays 0  KAREN KEISER  **President of the Senate**  Passed by the House April 11, 2019  Yeas 96 Nays 0  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5831** as passed by Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved April 19, 2019 11:47 AM | April 22, 2019 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5831**

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Passed Legislature - 2019 Regular Session

**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Keiser, Van De Wege, Salomon, and Saldaña

AN ACT Relating to an employer's payment of indebtedness; and amending RCW 49.48.120.

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

**Sec.**  RCW 49.48.120 and 2018 c 57 s 1 are each amended to read as follows:

(1) If at the time of the death of any person, his or her employer is indebted to him or her for work, labor, and services performed, and no executor or administrator of his or her estate has been appointed, the employer shall upon the request of the surviving spouse pay the indebtedness in an amount as may be due not exceeding the sum of ((~~two thousand five hundred~~)) ten thousand dollars, to the surviving spouse, or if the decedent leaves no surviving spouse, then to the decedent's child or children, or if no children, then to the decedent's father or mother.

(2) In the event the decedent's employer is the state of Washington or a municipal corporation, as defined in RCW 39.50.010, then there shall be no limit to the amount of the indebtedness that can be paid under subsection (1) of this section.

(3) If the decedent and the surviving spouse have entered into a community property agreement that meets the requirements of RCW 26.16.120, and the right to the indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of the indebtedness, or that portion which is governed by the community property agreement, upon presentation of the agreement accompanied by an affidavit or declaration of the surviving spouse stating that the agreement was executed in good faith between the parties and had not been rescinded by the parties before the decedent's death.

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

(5) Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable to the decedent's estate, or the decedent's executor or administrator thereafter appointed.

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

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Passed by the Senate March 5, 2019.

Passed by the House April 11, 2019.

Approved by the Governor April 19, 2019.

Filed in Office of Secretary of State April 22, 2019.