
**Labor & Workplace Standards
Committee**

HB 1788

Brief Description: Concerning workers' compensation benefits.

Sponsors: Representatives Richards, Bronoske, Berry, Wylie, Fosse, Taylor, Ormsby, Nance, Salahuddin, Pollet and Obras.

Brief Summary of Bill

- Consolidates the worker's compensation calculation for workers who are permanently or temporarily totally disabled, and for workers' surviving spouses, and standardize payments between married and unmarried workers.
- Requires compensation equal to 2 percent of a worker's wages be paid to the person who has legal custody of a worker's or a worker's surviving spouse's child and reduces the worker's, or the worker's surviving spouse's payment proportionally.

Hearing Date: 2/12/25

Staff: Benjamin McCarthy (786-7116).

Background:

Under the Industrial Insurance Act (Worker's Compensation Act), a worker who is injured in the course of employment is entitled to certain benefits.

Worker's Compensation Payment for Total Disability.

A worker who is permanently or temporarily totally disabled, meaning incapacitated from

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performing any gainful occupation, or a worker's surviving spouse, is entitled to compensatory benefits based on the following percentages of the worker's monthly wages, from all employment, at the time of injury:

Worker's Status: Unmarried	Percentage of Worker's Wages	Worker's Status: Married	Percentage of Worker's Wages
Unmarried with no children	60 percent		
Unmarried with one child	62 percent	Married with no children	65 percent
Unmarried with two children	64 percent	Married with one child	67 percent
Unmarried with three children	66 percent	Married with two children	69 percent
Unmarried with four children	68 percent	Married with three children	71 percent
Unmarried with five or more children	70 percent	Married with four children	73 percent
		Married with five or more children	75 percent

Payments to a Person's who has Legal Custody of an Injured Worker's Child.

If a worker, or a worker's surviving spouse, does not have legal custody of a child who is entitled to compensation under the Worker's Compensation Act, payments are made to the person who has legal custody of the child. A child is entitled to compensation if the child is:

1. the worker's natural born child, posthumous child, stepchild, legally adopted child who was adopted prior to the injury, child who was conceived before but born after the injury, or dependent child who the worker has legal custody and control of; and
2. is under age 18, under age 23 and enrolled in a full-time course at an accredited school, or over age 18 but is a dependent because of a disability.

Summary of Bill:

Worker's Compensation Payment for Total Disability.

Workers' compensation claims filed on or after July 1, 2026, that result in a determination of permanent or temporary total disability, shall entitle the worker to receive:

1. compensation equal to 100 percent of the employer's payment or contribution for health care benefits, unless the employer continues payment or contributions for these benefits at the same level as at the time of injury; and
2. a percentage of the worker's wages, excluding the employer's payment of contribution for health benefits. The calculation of the percentage of wages that the worker is entitled to

are as follows:

Worker's Status	Percentage of the Worker's Wages
Unmarried with no children	60 percent
Unmarried with one child or Married with no children	65 percent
Unmarried with two children or Married with one child	67 percent
Unmarried with three children or Married with two children	69 percent
Unmarried with four children or Married with three children	71 percent
Unmarried with five children or Married with four children	73 percent
Unmarried with six children or Married with five children	75 percent

Payments to a Person's who has Legal Custody of an Injured Worker's Child.

A person who has legal custody of a child who is entitled to compensation under the Worker's Compensation Act is paid an amount equal to 2 percent of the worker's wages excluding payments for health care benefits. The payment to the injured worker or the worker's surviving spouse is reduced by the amount of the payment made to the person who has legal custody of the child.

Appropriation: None.

Fiscal Note: Requested on February 6, 2025.

Effective Date: The bill takes effect on July 1, 2026.