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SECOND SUBSTITUTE HOUSE BILL 1788

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State of Washington

69th Legislature

2025 Regular Session

**By** House Appropriations (originally sponsored by Representatives Richards, Bronoske, Berry, Wylie, Fosse, Taylor, Ormsby, Nance, Salahuddin, Pollet, and Obras)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to workers' compensation benefits; amending RCW  
2 51.32.010 and 51.32.060; creating a new section; and providing an  
3 effective date.

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

5 **Sec. 1.** RCW 51.32.010 and 1977 ex.s. c 350 s 37 are each amended  
6 to read as follows:

7 ~~((Each))~~ (1) Except as provided in subsection (2) of this  
8 section, each worker injured in the course of ~~((his or her))~~ the  
9 worker's employment, or ~~((his or her))~~ the worker's family or  
10 dependents in case of death of the worker, shall receive compensation  
11 in accordance with this chapter, and, except as in this title  
12 otherwise provided, such payment shall be in lieu of any and all  
13 rights of action whatsoever against any person whomsoever(~~+~~  
14 ~~PROVIDED, That if an injured~~)).

15 (2)(a) If an injured worker, or the surviving spouse of an  
16 injured worker shall not have the legal custody of a child for, or on  
17 account of whom payments are required to be made under this title,  
18 such payment or payments shall be made to the person or persons  
19 having the legal custody of such child but only for the periods of  
20 time after the department has been notified of the fact of such legal  
21 custody, and it shall be the duty of any such person or persons

1 receiving payments because of legal custody of any child immediately  
2 to notify the department of any change in such legal custody.

3 (b) (i) For claims with a date of injury or disease manifestation  
4 on or after July 1, 2026, the payment or payments to be made to the  
5 person or persons having the legal custody of a worker's child shall  
6 be two percent of the worker's wages.

7 (ii) For claims with a date of injury or disease manifestation on  
8 or after July 1, 2026, the payment to be made to the worker or  
9 surviving spouse under this chapter shall be reduced by the amount of  
10 the payment or payments to be made to person or persons having the  
11 legal custody of a worker's child or children under (b) (i) of this  
12 subsection (2).

13 **Sec. 2.** RCW 51.32.060 and 2007 c 284 s 2 are each amended to  
14 read as follows:

15 (1) ~~((When))~~ For claims with a date of injury or disease  
16 manifestation on or after July 1, 2026, when the supervisor of  
17 industrial insurance shall determine that permanent total disability  
18 results from the injury, the worker shall receive monthly during the  
19 period of such disability, except as provided in RCW 51.32.010, a  
20 percentage of the worker's wages, as follows:

<u>Worker's status</u>	<u>Percentage of the</u> <u>worker's wages</u>
<u>Unmarried with no children</u>	<u>60 percent</u>
<u>Unmarried with one child or married with no children</u>	<u>65 percent</u>
<u>Unmarried with two children or married with one child</u>	<u>67 percent</u>
<u>Unmarried with three children or married with two children</u>	<u>69 percent</u>
<u>Unmarried with four children or married with three children</u>	<u>71 percent</u>
<u>Unmarried with five children or married with four children</u>	<u>73 percent</u>
<u>Unmarried with six or more children or married with five or more children</u>	<u>75 percent</u>

30 (2) For claims with a date of injury or disease manifestation  
31 before July 1, 2026, when the supervisor of industrial insurance  
32 shall determine that permanent total disability results from the  
33 injury, the worker shall receive monthly during the period of such  
34 disability:

35 (a) If married at the time of injury, sixty-five percent of his  
36 or her wages.

1 (b) If married with one child at the time of injury, sixty-seven  
2 percent of his or her wages.

3 (c) If married with two children at the time of injury,  
4 sixty-nine percent of his or her wages.

5 (d) If married with three children at the time of injury,  
6 seventy-one percent of his or her wages.

7 (e) If married with four children at the time of injury,  
8 seventy-three percent of his or her wages.

9 (f) If married with five or more children at the time of injury,  
10 seventy-five percent of his or her wages.

11 (g) If unmarried at the time of the injury, sixty percent of his  
12 or her wages.

13 (h) If unmarried with one child at the time of injury, sixty-two  
14 percent of his or her wages.

15 (i) If unmarried with two children at the time of injury,  
16 sixty-four percent of his or her wages.

17 (j) If unmarried with three children at the time of injury,  
18 sixty-six percent of his or her wages.

19 (k) If unmarried with four children at the time of injury,  
20 sixty-eight percent of his or her wages.

21 (l) If unmarried with five or more children at the time of  
22 injury, seventy percent of his or her wages.

23 ~~((+2))~~ (3) For any period of time where both ~~((husband and~~  
24 ~~wife))~~ spouses are entitled to compensation as temporarily or totally  
25 disabled workers, only that spouse having the higher wages of the two  
26 shall be entitled to claim their child or children for compensation  
27 purposes.

28 ~~((+3))~~ (4) In case of permanent total disability, if the  
29 character of the injury is such as to render the worker so physically  
30 helpless as to require the hiring of the services of an attendant,  
31 the department shall make monthly payments to such attendant for such  
32 services as long as such requirement continues, but such payments  
33 shall not obtain or be operative while the worker is receiving care  
34 under or pursuant to the provisions of chapter 51.36 RCW and RCW  
35 51.04.105.

36 ~~((+4))~~ (5) Should any further accident result in the permanent  
37 total disability of an injured worker, ~~((he or she))~~ the injured  
38 worker shall receive the pension to which ~~((he or she))~~ the injured  
39 worker would be entitled, notwithstanding the payment of a lump sum  
40 for ~~((his or her))~~ the injured worker's prior injury.

1        ~~((5))~~ (6) In no event shall the monthly payments provided in  
2 this section:

3        (a) Exceed the applicable percentage of the average monthly wage  
4 in the state as computed under the provisions of RCW 51.08.018 as  
5 follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

6  
7  
8  
9  
10  
11        (b) For dates of injury or disease manifestation after July 1,  
12 2008, be less than fifteen percent of the average monthly wage in the  
13 state as computed under RCW 51.08.018 plus an additional ten dollars  
14 per month if a worker is married and an additional ten dollars per  
15 month for each child of the worker up to a maximum of five children  
16 for claims with a date of injury or disease manifestation before July  
17 1, 2026, and six children for claims with a date of injury or disease  
18 manifestation on or after July 1, 2026. However, if the monthly  
19 payment computed under this subsection ~~((5))~~ (6) (b) is greater than  
20 one hundred percent of the wages of the worker as determined under  
21 RCW 51.08.178, the monthly payment due to the worker shall be equal  
22 to the greater of the monthly wages of the worker or the minimum  
23 benefit set forth in this section on June 30, 2008.

24        The limitations under this subsection shall not apply to the  
25 payments provided for in subsection ~~((3))~~ (4) of this section.

26        ~~((6))~~ (7) In the case of new or reopened claims, if the  
27 supervisor of industrial insurance determines that, at the time of  
28 filing or reopening, the worker is voluntarily retired and is no  
29 longer attached to the workforce, benefits shall not be paid under  
30 this section.

31        ~~((7))~~ (8) The benefits provided by this section are subject to  
32 modification under RCW 51.32.067.

33        NEW SECTION.    **Sec. 3.** This act takes effect July 1, 2026.

34        NEW SECTION.    **Sec. 4.** If specific funding for the purposes of  
35 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2025, in the omnibus appropriations act, this  
2 act is null and void.

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