

appealing from the award who fails to improve his position on the trial de novo.

NEW SECTION. Sec. 7. No provision of this chapter may be construed to abridge the right to trial by jury.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act shall take effect July 1, 1980.

Passed the House February 20, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 104

[House Bill No. 612]

INDUSTRIAL INSURANCE—PERMANENT PARTIAL DISABILITIES—
COMPENSATION

AN ACT Relating to industrial insurance; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.080; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$(18,000.00)	<u>36,000.00</u>
Of leg at or above knee joint with functional stump	\$(16,200.00)	<u>32,400.00</u>
Of leg below knee joint	\$(14,400.00)	<u>28,800.00</u>
Of leg at ankle (Syme)	\$(12,600.00)	<u>25,200.00</u>
Of foot at mid-metatarsals	\$(6,300.00)	<u>12,600.00</u>
Of great toe with resection of metatarsal bone	\$(3,780.00)	<u>7,560.00</u>
Of great toe at metatarsophalangeal joint	\$(2,268.00)	<u>4,536.00</u>
Of great toe at interphalangeal joint	\$(1,200.00)	<u>2,400.00</u>

Of lesser toe (2nd to 5th) with resection of metatarsal bone	((1,380.00))	<u>2,760.00</u>
Of lesser toe at metatarsophalangeal joint	((672.00))	<u>1,344.00</u>
Of lesser toe at proximal interphalangeal joint	((498.00))	<u>996.00</u>
Of lesser toe at distal interphalangeal joint	((126.00))	<u>252.00</u>
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	((18,000.00))	<u>36,000.00</u>
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	((17,100.00))	<u>34,200.00</u>
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	((16,200.00))	<u>32,400.00</u>
Of all fingers except the thumb at metacarpophalangeal joints	((9,720.00))	<u>19,440.00</u>
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	((6,480.00))	<u>12,960.00</u>
Of thumb at interphalangeal joint	((3,240.00))	<u>6,480.00</u>
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	((4,050.00))	<u>8,100.00</u>
Of index finger at proximal interphalangeal joint	((3,240.00))	<u>6,480.00</u>
Of index finger at distal interphalangeal joint	((1,782.00))	<u>3,564.00</u>
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	((3,240.00))	<u>6,480.00</u>
Of middle finger at proximal interphalangeal joint	((2,592.00))	<u>5,184.00</u>
Of middle finger at distal interphalangeal joint	((1,458.00))	<u>2,916.00</u>
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	((1,620.00))	<u>3,240.00</u>
Of ring finger at proximal interphalangeal joint	((1,296.00))	<u>2,592.00</u>
Of ring finger at distal interphalangeal joint	((810.00))	<u>1,620.00</u>
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	((810.00))	<u>1,620.00</u>
Of little finger at proximal interphalangeal joint	((648.00))	<u>1,296.00</u>
Of little finger at distal interphalangeal joint	((324.00))	<u>648.00</u>

MISCELLANEOUS

Loss of one eye by enucleation	((7,200.00))	<u>14,400.00</u>
Loss of central visual acuity in one eye	((6,000.00))	<u>12,000.00</u>
Complete loss of hearing in both ears	((14,400.00))	<u>28,800.00</u>
Complete loss of hearing in one ear	((2,400.00))	<u>4,800.00</u>

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ((thirty)) sixty thousand dollars: PROVIDED, That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ((thirty)) sixty thousand dollars, except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of forty-five thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or

part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 22, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 105

[House Bill No. 788]

BANKS OR TRUST COMPANIES—AFFILIATES—COMMON TRUST FUNDS

AN ACT Relating to financial institutions; and amending section 30.28.010, chapter 33, Laws of 1955 and RCW 30.28.010.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 30.28.010, chapter 33, Laws of 1955 and RCW 30.28.010 are each amended to read as follows:

Any bank or trust company qualified to act as fiduciary in this state, or in any other state if affiliated with a bank or trust company qualified to act