

Civil liability shall not result from failure to provide notice required under sections 1 through 6 of this act unless the failure is the result of gross negligence.

Passed the House April 27, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

CHAPTER 347

[Engrossed Substitute House Bill No. 1089]

INDUSTRIAL INSURANCE—EMPLOYER VIOLATIONS—PENALTIES

AN ACT Relating to industrial insurance penalties; amending RCW 51.28.025, 51.48-.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; and adding a new section to chapter 51.48 RCW.

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

Sec. 1. Section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025 are each amended to read as follows:

(1) Whenever an employer has notice or knowledge of an injury or occupational disease sustained by any workman in his employment who has received treatment from a physician, has been hospitalized, disabled from work or has died as the apparent result of such injury or occupational disease, he shall immediately report the same to the department on forms prescribed by it. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the workman;
- (c) The date, time, cause, and nature of the injury or occupational disease;
- (d) Whether the injury or occupational disease arose in the course of the injured workman's employment;
- (e) All available information pertaining to the nature of the injury or occupational disease including but not limited to any visible signs, any complain'ts of the workman, any time lost from work, and the observable effect on the workman's bodily functions, so far as is known; and

(f) Such other pertinent information as the department may prescribe by regulation.

(2) Failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty ~~((of one hundred))~~ determined by the director but not to exceed two hundred fifty dollars for each offense, to be collected in a civil action in the name of the department and paid into the supplemental pension fund.

Sec. 2. Section 51.48.010, chapter 23, Laws of 1961 as last amended by section 20, chapter 63, Laws of 1982 and RCW 51.48.010 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of ~~((two))~~ five hundred dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

Sec. 3. Section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017 are each amended to read as follows:

If a self-insurer unreasonably delays or refuses to pay benefits as they become due there shall be paid by the self-insurer upon order of the director an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him with the benefits which may be assessed under this title. The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits within thirty days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

Sec. 4. Section 51.48.030, chapter 23, Laws of 1961 as last amended by section 21, chapter 63, Laws of 1982 and RCW 51.48.030 are each amended to read as follows:

Every employer who fails to keep the records required by this title or fails to make the reports provided in this title shall be subject to a penalty ~~((of))~~ determined by the director but not to exceed two hundred fifty dollars or two hundred percent of the quarterly premium for each such offense, whichever is greater.

Sec. 5. Section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040 are each amended to read as follows:

The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the men employed, and such other information as may be necessary for the department and its management under this title. Refusal on the part of the employer to submit his books, records and payrolls for such inspection to the department, or any asstant presenting written authority from the director, shall subject the

offending employer to a penalty ~~((of one hundred))~~ determined by the director but not to exceed two hundred fifty dollars for each offense and the individual who personally gives such refusal shall be guilty of a misdemeanor.

Sec. 6. Section 51.48.060, chapter 23, Laws of 1961 as last amended by section 71, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.060 are each amended to read as follows:

Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty ~~((of one hundred))~~ determined by the director but not to exceed two hundred fifty dollars.

Sec. 7. Section 51.48.080, chapter 23, Laws of 1961 and RCW 51.48.080 are each amended to read as follows:

Every person, firm or corporation who violates or fails to obey, observe or comply with any rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((two hundred and fifty))~~ five hundred dollars.

NEW SECTION. Sec. 8. A new section is added to chapter 51.48 RCW to read as follows:

(1) No employer may discharge or in any manner discriminate against any employee because such employee has filed or communicated to the employer an intent to file a claim for compensation or exercises any rights provided under this title. However, nothing in this section prevents an employer from taking any action against a worker for other reasons including, but not limited to, the worker's failure to observe health or safety standards adopted by the employer, or the frequency or nature of the worker's job-related accidents.

(2) Any employee who believes that he or she has been discharged or otherwise discriminated against by an employer in violation of this section may file a complaint with the director alleging discrimination within ninety days of the date of the alleged violation. Upon receipt of such complaint, the director shall cause an investigation to be made as the director deems appropriate. Within ninety days of the receipt of a complaint filed under this section, the director shall notify the complainant of his or her determination. If upon such investigation, it is determined that this section has been violated, the director shall bring an action in the superior court of the county in which the violation is alleged to have occurred.

(3) If the director determines that this section has not been violated, the employee may institute the action on his or her own behalf.

(4) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations of subsection (1) of this section and to order all appropriate relief including rehiring or reinstatement of the employee with back pay.

Passed the House April 26, 1985.

Passed the Senate April 24, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

CHAPTER 348

[Engrossed Substitute House Bill No. 1269]

EMERGENCY MEDICAL SERVICE PROPERTY TAX

AN ACT Relating to local government; and amending RCW 84.52.069.

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

Sec. 1. Section 1, chapter 200, Laws of 1979 ex. sess. as amended by section 5, chapter 131, Laws of 1984 and RCW 84.52.069 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.