

CHAPTER 122.

[Senate Bill No. 39.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as amended by section 1, chapter 274, Laws of 1961 and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as amended by section 2, chapter 274, Laws of 1961, and RCW 51.32.060; and amending section 51.32.090, chapter 23, Laws of 1961 as amended by section 4, chapter 274, Laws of 1961, and RCW 51.32.090.

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

RCW 51.32.050 amended.

SECTION 1. Section 51.32.050, chapter 23, Laws of 1961 as amended by section 1, chapter 274, Laws of 1961, and RCW 51.32.050 are each amended to read as follows:

Industrial insurance. Compensation. Death benefits.

(1) Where death results from the injury the expenses of burial not to exceed six hundred dollars shall be paid to the undertaker conducting the funeral.

(2) If the workman leaves a widow or invalid widower, a monthly payment of one hundred forty dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars, but the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving

widow or invalid widower of any such deceased workman shall be forthwith paid the sum of six hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of two thousand dollars, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of seventy dollars shall be paid to each such child, but the total monthly payments shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of seventy dollars per month, but the total monthly payment shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed one hundred twenty-five dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creat-

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ing the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive one hundred forty dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars: *Provided*, That the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive seventy dollars per month, but the total monthly payment to such children shall not exceed three hundred fifty dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

RCW 51.32.060 amended.

SEC. 2. Section 51.32.060, chapter 23, Laws of 1961 as amended by section 2, chapter 274, Laws of 1961, and RCW 51.32.060 are each amended to read as follows:

Permanent total disability compensation — Personal attendant.

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of one hundred eighty-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of two hundred fifteen dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of one hundred seventy-five dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by thirty-seven dollars for the youngest or only child, thirty-one dollars for the next or second youngest child, and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twenty-two dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.

(5) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased one hundred fifteen dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(6) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

SEC. 3. Section 51.32.090, chapter 23, Laws of 1961 as amended by section 4, chapter 274, Laws of 1961, and RCW 51.32.090 are each amended to read as follows:

**RCW 51.32.090
amended.**

Industrial
insurance.
Compensation.
Temporary
total disability
—Partial res-
toration of
earning power
—When
employer con-
tinues wages.

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), (3) and (4) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of

a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of thirty consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

Passed the Senate March 19, 1965.

Passed the House April 2, 1965.

Approved by the Governor April 9, 1965.