

CHAPTER 21

[Substitute Senate Bill No. 3034]

VOLUNTEER FIREMEN—SERVICE AND DISABILITY BENEFITS

AN ACT Relating to volunteer firemen's relief and pensions; amending section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.160; amending section 23, chapter 261, Laws of 1945 as last amended by section 5, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.230; amending section 17, chapter 261, Laws of 1945 as last amended by section 1, chapter 157, Laws of 1979 ex. sess. and RCW 41.24.170; and prescribing an effective date.

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

Section 1. Section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.150 are each amended to read as follows:

Whenever a fireman serving in any capacity as a member of his own fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty of his or her regular occupation, business or profession, he or she shall be paid from the fund monthly, the sum of (~~seven hundred fifty~~) nine hundred dollars for a period of not to exceed six months, or (~~twenty-five~~) thirty dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit or if the member sustained an injury after October 1, 1978 which resulted in the loss or paralysis of both legs, or arms, or one leg and one arm or total loss of eyesight but such injury has not prevented the member from engaging in an occupation or performing work for compensation or profit, he or she shall be entitled to draw from the fund monthly, the sum of (~~three hundred seventy-five~~) four hundred fifty dollars so long as the disability continues, except as hereinafter provided: PROVIDED, That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he or she shall be entitled to draw from the fund monthly the additional sums of (~~seventy-five~~) ninety dollars because of the fact of his wife or her husband, (~~thirty-seven~~) forty-five dollars (~~and fifty cents~~) because of the fact of his or her youngest or only child unemancipated or under eighteen years of age, and (~~thirty~~) thirty-five dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of (~~seven hundred fifty~~) nine hundred dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from

such gainful employment bears to the annual income received by the pensioner at the time of his disability: PROVIDED, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 RCW in lieu of such monthly disability payments.

Sec. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.160 are each amended to read as follows:

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of ~~((one thousand five hundred))~~ two thousand dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred ~~((fifty))~~ eighty dollars per month to his widow or her widower during his or her life together with the additional monthly sums of ~~((thirty-seven))~~ forty-five dollars ~~((and fifty cents))~~ for the youngest or only child and ~~((thirty))~~ thirty-five dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of ~~((three))~~ four hundred dollars per month: PROVIDED, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred ~~((fifty))~~ eighty dollars per month shall be paid for the youngest or only child together with an additional ~~((thirty))~~ thirty-five dollars per month for each additional of such children to a maximum of ~~((three))~~ four hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred ~~((fifty))~~ eighty dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: PROVIDED, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed ~~((ten))~~ twelve thousand dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments

shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

Sec. 3. Section 23, chapter 261, Laws of 1945 as last amended by section 5, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.230 are each amended to read as follows:

Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his or her duties, the board of trustees shall authorize the issuance of a voucher for the sum of ~~((seven hundred fifty))~~ one thousand dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of ~~((two hundred fifty))~~ five hundred dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund.

Sec. 4. Section 17, chapter 261, Laws of 1945 as last amended by section 1, chapter 157, Laws of 1979 ex. sess. and RCW 41.24.170 are each amended to read as follows:

Whenever any fireman has been a member and served honorably for a period of ten years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees shall order and direct that he be retired and be paid a monthly pension as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of ~~((one hundred fifty))~~ two hundred dollars from the fund for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in

this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive a minimum monthly pension of twenty-five dollars increased by the sum of ~~((five))~~ seven dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, for the balance of his life.

No pension herein provided may become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension.

(3) Any fireman, upon completion of less than twenty-five years of service shall receive the applicable reduced pension provided below, according to the age at which he elects to begin to receive the pension. If receipt of the benefits begins at age sixty-five he shall receive one hundred percent of the reduced benefit; at age sixty-two he shall receive seventy-five percent of the reduced benefit; and at age sixty he shall receive sixty percent of the reduced benefit. The reduced benefit shall be computed as follows:

(a) Upon completion of ten years, but less than fifteen years of service, a monthly pension equal to fifteen percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service;

(b) Upon completion of fifteen years, but less than twenty years of service, a monthly pension equal to thirty percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service; and

(c) Upon completion of twenty years, but less than twenty-five years of service, a monthly pension equal to sixty percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service.

(4) Any monthly pension, payable to any fireman, which will not, under the provisions of this section, amount to twenty-five dollars, may be converted into a lump sum payment to the value of the annuity then remaining, as fixed and certified by the state insurance commissioner. Such conversion may be made either upon written application to the state board and shall rest at the discretion of the state board; or the state board may make, on its own motion, lump sum payments, equal or proportionate, as the case may

be, to the value of the annuity then remaining in full satisfaction of claims due. Any person receiving a monthly payment of less than twenty-five dollars at the time of September 1, 1979, may elect, within two years, to convert such payments into a lump sum payment as herein provided.

NEW SECTION. Sec. 5. 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. 6. This amendatory act shall take effect July 1, 1981.

Passed the Senate March 6, 1981.

Passed the House April 9, 1981.

Approved by the Governor April 17, 1981.

Filed in Office of Secretary of State April 17, 1981.

CHAPTER 22

[Engrossed Senate Bill No. 3052]

DRIVER RECORDS—NEGATIVE FILE AVAILABILITY

AN ACT Relating to driver records; and amending section 5, chapter 155, Laws of 1969 ex. sess. as amended by section 149, chapter 158, Laws of 1979 and RCW 46.20.118.

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

Section 1. Section 5, chapter 155, Laws of 1969 ex. sess. as amended by section 149, chapter 158, Laws of 1979 and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.115 through 46.20.119. The negative file shall become a part of the driver record file maintained by the department. ~~((It shall be available as a reference file to assist))~~ Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the ((identification of persons suspected of committing crimes)) investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state