



Bill Tracking – Washington State Legislature 2020

Note: Bills in gray type are considered no longer eligible for consideration this legislative session.

Issue	Bill Numbers	Brief Summary	Position	Latest Status
Employer Penalties, Insurance Bad Faith, Self-Insurance Licensure	2409	Increases most employer penalties in Title 51 Makes self-insurance delay/denial benefit “per occurrence” not per order; Creates administrative cause of action for unfair conduct in claims handling against all employers; Requires self-insured TPAs to become licensed	Oppose High Priority	In House Rules Committee, eligible for floor vote through 02/19
IMEs	6440 2689	Places significant restrictions on the use of IMEs by the Department or self-insured employers, regulates conduct of the IME provider, and provides new accommodations to claimants Amendment is under works that would make most issues in original bill subject to an interim working group discussion	Oppose High Priority; Neutral if amended	On Senate Floor Calendar, awaiting amendment

Qui Tam (Private Right of Action)	1965	Creates a private right of action to enforce, alongside or in lieu of agency administrative action, the provisions of a large number of labor and employment laws including RCW ch. 49.17, WISHA. A floor amendment offered by the sponsor would also allow claims of misclassification as an independent contractor under the various labor laws.	Oppose	On the House floor calendar, could move as early as 02/14
3-Day Waiting Period	6552	Eliminates the three-day waiting period for time loss benefits	Oppose	In the Senate Rules Committee, eligible for floor vote before 2/19
Captive Insurers – Employer Community Bill	6331 2493	Allows employer use of captive insurers in Washington, provides for registration fee, two percent premium tax on “Washington risk,” not including workers’ compensation	Support	Considered “necessary to implement the budget”; likely on hold until later in session
Public Employee Shared Leave	2304	Allows public employees who can access the state’s shared leave program to use that leave to top off their time loss benefits if on workers’ comp.	Monitor	In the House Rules Committee
Structured Settlements	6372	Removes the age restriction and accepted claim restriction for entering into a structured settlement, consistent with 2019 recommendation	Support	Heard on 1/28 in the Senate Labor Committee;

		of the Upjohn Institute in their latest study of structured settlements in Washington		unlikely to see further action
Self-Insurance Allowance Orders	<u>6373</u>	Gives direct allowance order authority to self-insurers, consistent with a 2015 recommendation of the Joint Legislative Audit and Review Committee (JLARC) in their performance audit of the system.	Support	Heard on 1/28 in the Senate Labor Committee; might be moved out of committee with amendment
Hiring marijuana users	<u>2740</u>	Subject to certain exceptions, would disallow an employer from refusing to hire a prospective employee because a screening test was positive for marijuana use.	Concerns	Heard on 1/28 in the House Labor Committee; scheduled for committee vote on 02/04
Mandatory WISHA training for construction workers	<u>2564</u>	Requires any construction worker or supervisor to participate in mandatory workplace safety and health training	Monitor	Heard in committee on 1/21 in House Labor Committee; set for committee vote on 02/06
Captive Insurers – OIC Tax Bill	<u>2291</u> <u>6241</u>	Recognizes employer use of captive insurers in Washington, subjects all national risk including workers' compensation to 2 percent premium tax	Oppose as written	Heard in committee 01/30