

Chapter 51.16 RCW
ASSESSMENT AND COLLECTION OF PREMIUMS—PAYROLLS AND RECORDS

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RCW 51.16.035 Classifications—Premiums—Rules—Workers' compensation advisory committee recommendations. (1) The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be:

(a) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles; and

(b) Designed to attempt to limit fluctuations in premium rates.

(2) The department shall formulate and adopt rules governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workers' compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to achieve the objectives under this section, readjust rates in

accordance with the rating system to become effective on such dates as the department may designate.

(3) (a) After the first report is issued by the state auditor under RCW 51.44.115, the workers' compensation advisory committee shall review the report and, as the committee deems appropriate, may make recommendations to the department concerning:

(i) The level or levels of a contingency reserve that are appropriate to maintain actuarial solvency of the accident and medical aid funds, limit premium rate fluctuations, and account for economic conditions; and

(ii) When surplus funds exist in the trust funds, the circumstances under which the department should give premium dividends, or similar measures, or temporarily reduce rates below the rates fixed under subsection (1) of this section, including any recommendations regarding notifications that should be given before taking the action.

(b) Following subsequent reports issued by the state auditor under RCW 51.44.115, the workers' compensation advisory committee may, as it deems appropriate, update its recommendations to the department on the matters covered under (a) of this subsection.

(4) In providing a retrospective rating plan under RCW 51.18.010, the department may consider each individual retrospective rating group as a single employing entity for purposes of dividends or premium discounts. [2005 c 410 s 1; 1999 c 7 s 8; 1989 c 49 s 1; 1980 c 129 s 4; 1977 ex.s. c 350 s 24; 1971 ex.s. c 289 s 16.]

Applicability—2005 c 410 s 1: "Section 1 of this act applies to industrial insurance rates adopted by the department of labor and industries that take effect on or after January 1, 2008." [2005 c 410 s 2.]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.040 Occupational diseases. The compensation and benefits provided for occupational diseases shall be paid and in the same manner as compensation and benefits for injuries under this title. [1971 ex.s. c 289 s 83; 1961 c 23 s 51.16.040. Prior: 1959 c 308 s 12; 1941 c 235 s 2; Rem. Supp. 1941 7679-1.]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.042 Occupational and environmental research facility. Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workers in the environmental research facility thereat, all employers shall bear their proportionate share of the cost therefor. The director may require payments to the department from all employers under this title and may make rules and regulations in connection therewith, which costs shall be paid from the department, in lieu of the previous provisions of RCW 28B.20.458. [1977 ex.s. c 350 s 25; 1971 ex.s. c 289 s 84; 1963 c 151 s 2.]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

Occupational and environmental research facility at University of Washington: RCW 28B.20.450 through 28B.20.458.

RCW 51.16.060 Quarterly report of payrolls. Except as provided in RCW 51.16.250, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title. [2022 c 281 s 12; 1985 c 315 s 1; 1981 c 260 s 13. Prior: 1977 ex.s. c 350 s 26; 1977 ex.s. c 323 s 11; 1973 1st ex.s. c 32 s 1; 1971 ex.s. c 289 s 76; 1965 ex.s. c 80 s 1; 1961 c 23 s 51.16.060; prior: 1959 c 308 s 14; 1957 c 70 s 47; prior: 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676c, part.]

Effective dates—2022 c 281 ss 8-13, 17, and 28: See note following RCW 51.12.020.

Severability—Effective date—1977 ex.s. c 323: See notes following RCW 51.04.040.

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.070 Employer's records—Unified business identifier—Confidentiality. (1) (a) Every employer shall keep at his or her place of business a record of his or her employment from which the information needed by the department may be obtained and such record shall at all times be open to the inspection of the director, supervisor of industrial insurance, or the traveling auditors, agents, or assistants of the department, as provided in RCW 51.48.040.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27, 18.106, or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and the compensation paid to the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty under RCW 51.48.030.

(2) Information obtained from employing unit records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, That any employing unit may authorize inspection of its records by written consent. [2023 c 88 s 12; 2008 c 120 s 5; 1997 c 54 s 3; 1961 c 23 s 51.16.070. Prior: 1957 c 70 s 48; prior: 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676c, part.]

Conflict with federal requirements—Severability—2008 c 120: See notes following RCW 18.27.030.

RCW 51.16.090 Continuity of cost experience. To the end that no employer shall evade the burdens imposed by an unfavorable or high cost experience, the director may determine whether or not an increase, decrease, or change (1) of operating property; (2) of interest in operating property; (3) of employer; (4) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience: PROVIDED, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of the employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, such person or entity as legally reconstituted shall be entitled to a continuation of the experience rating which existed prior to such change in the employer's legal structure unless there has been such a substantial change as provided in subdivisions (1), (2), (3) or (4) of this section as would warrant making inoperative any high cost experience. [1961 c 23 s 51.16.090. Prior: 1959 c 179 s 1; 1957 c 70 s 49; prior: 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676c, part.]

RCW 51.16.100 Classification changes. It is the intent that the accident fund shall ultimately become neither more nor less than self-supporting, except as provided in RCW 51.16.105 and, if in the

adjustment of premium rates by the director the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper. The director shall make corrections of classifications or subclassifications or changes in rates, classes and subclasses when the best interest of such classes or subclasses will be served thereby. [1961 c 23 s 51.16.100. Prior: 1953 c 218 s 1; prior: (i) 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676d, part. (ii) 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676e, part.]

RCW 51.16.105 Departmental expenses, financing, accounting. (1)

All department expenses relating to industrial safety and health services of the department pertaining to workers' compensation shall be paid by the department and financed by premiums and by assessments collected from a self-insurer as provided in this title.

(2) The department shall include in all rate notices sent to state fund and self-insured employers an accounting that clearly identifies all programs and services that are financed in whole or in part by state fund premiums or self-insurers' administrative assessments. [2011 c 175 s 1; 1994 c 164 s 26; 1977 ex.s. c 350 s 27; 1973 1st ex.s. c 52 s 8; 1971 ex.s. c 289 s 86; 1961 c 23 s 51.16.105. Prior: 1953 c 218 s 2.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.107 Information and training on premium liability.

The department shall, working with business associations and other employer and employee groups when practical, publish information and provide training to promote understanding of the premium liability that may be incurred under this chapter. [2004 c 243 s 4.]

Adoption of rules—2004 c 243: See note following RCW 51.08.177.

RCW 51.16.110 New businesses or resumed or continued operations.

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his or her payroll in connection therewith, or who was formerly a self-insurer and wishes to continue his or her operations subject to this title, shall, before so commencing or resuming or continuing operations, as the case may be, notify the department of such fact. [1991 c 88 s 4; 1977 ex.s. c 323 s 12; 1971 ex.s. c 289 s 4; 1961 c 23 s 51.16.110. Prior: 1959 c 179 s 2; 1959 c 308 s 15; prior: 1957 c 70 s 50; 1951 c 236 s 4; 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676c, part.]

Severability—Effective date—1977 ex.s. c 323: See notes following 51.04.040.

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.120 Distribution of further accident cost. (Effective until July 1, 2025.) (1) Whenever a worker has a previous bodily disability from any previous injury or disease, whether known or unknown to the employer, and suffers a further disability from injury or occupational disease in employment covered by this title and becomes totally and permanently disabled from the combined effects thereof or dies when death was substantially accelerated by the combined effects thereof, then the experience record of an employer insured with the state fund at the time of the further injury or disease must be charged and a self-insured employer must pay directly into the reserve fund only the accident cost which would have resulted solely from the further injury or disease, had there been no preexisting disability, and which accident cost must be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to such employer at the time of the further injury or disease and the total cost of the pension reserve must be assessed against the second injury fund. Except as provided in subsection (2) of this section, the department must pass upon the application of this section in all cases where benefits are paid for total permanent disability or death and issue an order thereon appealable by the employer. Pending outcome of such appeal the transfer or payment must be made as required by such order.

(2) If a self-insured employer is in default or the director has withdrawn the certification of a self-insured employer, the department may not pass on the application of this section. In such cases, the total cost of the pension reserve must first be assessed against the defaulting self-insured employer's deposit required by RCW 51.14.020 and in cases where the surety funds are insufficient the remaining cost of the pension reserve must be assessed against the insolvency trust fund.

(3) The department must, in cases of claims of workers sustaining injuries or occupational diseases in the employ of state fund employers, recompute the experience record of such employers when the claims of workers injured in their employ have been found to qualify for payments from the second injury fund after the regular time for computation of such experience records and the department may make appropriate adjustments in such cases including cash refunds or credits to such employers.

(4) To encourage employment of injured workers who have a developmental disability as defined in RCW 71A.10.020, the department may adopt rules providing for the reduction or elimination of premiums or assessments from employers of such workers and may also adopt rules for the reduction or elimination of charges against their employers in the event of further injury to such workers in their employ. [2015 c 137 s 1; 2010 c 213 s 1; 2004 c 258 s 1; 1984 c 63 s 1; 1980 c 14 s 7. Prior: 1977 ex.s. c 350 s 28; 1977 ex.s. c 323 s 13; 1972 ex.s. c 43 s 13; 1961 c 23 s 51.16.120; prior: 1959 c 308 s 16; 1945 c 219 s 1; 1943 c 16 s 1; Rem. Supp. 1945 s 7676-1a.]

Application—2015 c 137 ss 1, 2, and 6: "Sections 1, 2, and 6 of this act apply to all workers' compensation claims that are open on or

after January 1, 2016, without regard to the date of injury or occupational disease manifestation." [2015 c 137 s 9.]

Rules—2015 c 137: See note following RCW 51.32.096.

Severability—Effective date—1977 ex.s. c 323: See notes following RCW 51.04.040.

RCW 51.16.120 Distribution of further accident cost. (Effective July 1, 2025.) (1) Whenever a worker has a previous bodily disability from any previous injury or disease, whether known or unknown to the employer, and suffers a further disability from injury or occupational disease in employment covered by this title and becomes totally and permanently disabled from the combined effects thereof or dies when death was substantially accelerated by the combined effects thereof, then the experience record of an employer insured with the state fund at the time of the further injury or disease must be charged and a self-insured employer must pay directly into the self-insurance reserve fund only the accident cost which would have resulted solely from the further injury or disease, had there been no preexisting disability, and which accident cost must be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to such employer at the time of the further injury or disease and the total cost of the pension reserve must be assessed against the second injury fund. Except as provided in subsection (2) of this section, the department must pass upon the application of this section in all cases where benefits are paid for total permanent disability or death and issue an order thereon appealable by the employer. Pending outcome of such appeal the transfer or payment must be made as required by such order.

(2) If a self-insured employer is in default or the director has withdrawn the certification of a self-insured employer, the department may not pass on the application of this section. In such cases, the total cost of the pension reserve must first be assessed against the defaulting self-insured employer's deposit required by RCW 51.14.020 and in cases where the surety funds are insufficient the remaining cost of the pension reserve must be assessed against the insolvency trust fund.

(3) The department must, in cases of claims of workers sustaining injuries or occupational diseases in the employ of state fund employers, recompute the experience record of such employers when the claims of workers injured in their employ have been found to qualify for payments from the second injury fund after the regular time for computation of such experience records and the department may make appropriate adjustments in such cases including cash refunds or credits to such employers.

(4) To encourage employment of injured workers who have a developmental disability as defined in RCW 71A.10.020, the department may adopt rules providing for the reduction or elimination of premiums or assessments from employers of such workers and may also adopt rules for the reduction or elimination of charges against their employers in the event of further injury to such workers in their employ. [2023 c 110 s 4; 2015 c 137 s 1; 2010 c 213 s 1; 2004 c 258 s 1; 1984 c 63 s 1; 1980 c 14 s 7. Prior: 1977 ex.s. c 350 s 28; 1977 ex.s. c 323 s 13;

1972 ex.s. c 43 s 13; 1961 c 23 s 51.16.120; prior: 1959 c 308 s 16; 1945 c 219 s 1; 1943 c 16 s 1; Rem. Supp. 1945 s 7676-1a.]

Effective date—2023 c 110 ss 1 and 4-13: See note following RCW 51.44.155.

Application—2015 c 137 ss 1, 2, and 6: "Sections 1, 2, and 6 of this act apply to all workers' compensation claims that are open on or after January 1, 2016, without regard to the date of injury or occupational disease manifestation." [2015 c 137 s 9.]

Rules—2015 c 137: See note following RCW 51.32.096.

Severability—Effective date—1977 ex.s. c 323: See notes following RCW 51.04.040.

RCW 51.16.130 Distribution of catastrophe cost. Whenever there shall occur an accident in which three or more employees of an employer insured with the state fund are fatally injured or sustain permanent total disability, the amount of total cost other than medical aid costs arising out of such accident that shall be charged to the account of the employer, shall be twice the average cost of the pension claims arising out of such accident. The entire cost of such accident, exclusive of medical aid costs, shall be charged against and defrayed by the catastrophe injury account. [1972 ex.s. c 43 s 14; 1961 c 23 s 51.16.130. Prior: 1957 c 70 s 22; prior: 1947 c 247 s 1, part; 1911 c 74 s 4, part; Rem. Supp. 1947 s 7676f, part.]

RCW 51.16.140 Premium liability of worker. (1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under RCW 51.16.210.

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor. [1989 c 385 s 3; 1977 ex.s. c 350 s 29; 1973 c 110 s 2; 1971 ex.s. c 289 s 77; 1971 c 20 s 2; 1961 c 23 s 51.16.140. Prior: (i) 1923 c 136 s 8, part; 1919 c 129 s 1, part; 1917 c 28 s 4, part; RRS s 7713, part. (ii) 1947 c 247 s 1, part; Rem. Supp. 1947 s 7676e, part.]

Effective date—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.150 Delinquent employers—Penalty after demand—Injunctive relief. If any employer shall default in any payment to any fund, the sum due may be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, the director may require from the defaulting employer a bond to the state for the benefit of any fund, with surety to the director's satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting an occupation or work until such bond is furnished, and until all delinquent premiums, penalties, interest, and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his or her works, plant, or lease thereto, shall be invalid until all past delinquencies are made good, and such bond furnished. [2010 c 8 s 14006; 1986 c 9 s 4; 1985 c 315 s 2; 1972 ex.s. c 43 s 15; 1961 c 23 s 51.16.150. Prior: 1959 c 308 s 22; prior: 1929 c 132 s 4, part; 1923 c 136 s 3, part; 1917 c 120 s 5, part; 1917 c 28 s 2, part; 1915 c 188 s 3, part; 1911 c 74 s 8, part; RRS s 7682, part.]

RCW 51.16.155 Failure or refusal of employer to report or pay premiums due—Collection. In every case where an employer insured with the state fails or refuses to file any report of payroll required by the department and fails or refuses to pay the premiums due on such unreported payroll, the department shall have authority to estimate such payroll and the premiums due thereon and collect premiums on the basis of such estimate.

If the report required and the premiums due thereon are not made within ten days from the mailing of such demand by the department, which shall include the amount of premiums estimated by the department, the employer shall be in default as provided by this title and the department may have and recover judgment, warrant, or file liens for such estimated premium or the actual premium, whichever is greater.

The director or the director's designee may compromise the amount of premiums estimated by the department, whether reduced to judgment or otherwise, arising under this title if collection of the premiums estimated by the department would be against equity and good conscience. [1996 c 60 s 1; 1985 c 315 s 3; 1971 ex.s. c 289 s 87.]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.160 Lien for payments due—Priority—Probate, insolvency, etc. In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such

cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the department of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact. [1985 c 315 s 4; 1971 ex.s. c 289 s 78; 1961 c 23 s 51.16.160. Prior: 1959 c 308 s 23; prior: 1929 c 132 s 4, part; 1923 c 136 s 3, part; 1917 c 120 s 5, part; 1917 c 28 s 2, part; 1915 c 188 s 3, part; 1911 c 74 s 8, part; RRS s 7682, part.]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.170 Lien for premiums, assessments, contributions, and penalties—Priority—In general—Notice. Separate and apart from and in addition to the foregoing provisions in this chapter, the claims of the state for payments and penalties due under this title shall be a lien prior to all other liens or claims and on a parity with prior tax liens not only against the interest of any employer, in real estate, plant, works, equipment, and buildings improved, operated, or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the department shall, within four months after the employer has made report of his or her payroll and has defaulted in the payment of his or her premiums thereupon, file with the county auditor of the county within which such property is then situated, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the department. If any employer fails or refuses to make report of his or her payroll, the lien hereby created shall continue in full force and effect, although the amount thereof is undetermined and the four months' time within which the department shall file its claim of lien shall not begin to run until the actual receipt by the department of such payroll report. From and after the filing of such claim of lien, the department shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property, and in such suit the certificate of the department stating the date of the actual receipt by the department of such payroll report shall be prima facie evidence of such fact. [2010 c 8 s 14007; 1986 c 9 s 5; 1961 c 23 s 51.16.170. Prior: 1959 c 308 s 24; prior: 1951 c 214 s 1; 1929 c 132 s 4, part; 1923 c 136 s 3, part; 1917 c 120 s 5, part; 1917 c 28 s 2, part; 1915 c 188 s 3, part; 1911 c 74 s 8, part; RRS s 7682, part.]

RCW 51.16.180 Property acquired by state on execution. The director shall have the custody of all property acquired by the state

at execution sale upon judgments obtained for delinquent payments and penalties therefor and costs, and may sell and dispose of the same at private sales for the sale purchase price, and shall pay the proceeds into the state treasury to the credit of the appropriate fund. In case of the sale of real estate the director shall execute the deed in the name of the state. [1971 ex.s. c 289 s 79; 1961 c 23 s 51.16.180. Prior: 1921 c 7 s 78, subdivision (4); RRS s 10836(4).]

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 51.16.190 Limitation on collection actions. (1) "Action" means, but is not limited to, a notice of assessment pursuant to RCW 51.48.120, an action at law pursuant to RCW 51.16.150, or any other administrative or civil process authorized by this title for the determination of liability for premiums, assessments, penalties, contributions, or other sums, or the collection of premiums, assessments, penalties, contributions, or other sums.

(2) Any action to collect any delinquent premium, assessment, contribution, penalty, or other sum due to the department from any employer subject to this title shall be brought within three years of the date any such sum became due.

(3) In case of a false or fraudulent report with intent to evade premiums, assessments, contributions, penalties, interest, or other sums, or in the event of a failure to file a report, action may be begun at any time.

(4) Any claim for refund or adjustment by an employer of any premium, assessment, contribution, penalty, or other sum collected by the department shall be made in writing to the department within three years of the date the sum became due. [1987 c 111 s 7; 1985 c 315 s 5; 1977 ex.s. c 323 s 27.]

Conflict with federal requirements—Severability—Effective date—1987 c 111: See notes following RCW 50.12.220.

Severability—Effective date—1977 ex.s. c 323: See notes following RCW 51.04.040.

RCW 51.16.200 Payment of tax by employer quitting business—Liability of successor. Whenever any employer quits business, or sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any tax payable hereunder shall become immediately due and payable, and the employer shall, within ten days thereafter, make a return and pay the tax due; and any person who becomes a successor to such business shall become liable for the full amount of the tax and withhold from the purchase price a sum sufficient to pay any tax due from the employer until such time as the employer shall produce a receipt from the department showing payment in full of any tax due or a certificate that no tax is due and, if such tax is not paid by the employer within ten days from the date of such sale, exchange, or disposal, the successor shall become liable for the payment of the full amount of tax, and the payment thereof by such successor shall, to the extent thereof, be deemed a payment upon the purchase price, and if such payment is greater in amount than the

purchase price the amount of the difference shall become a debt due such successor from the employer.

No successor may be liable for any tax due from the person from whom the successor has acquired a business or stock of goods if the successor gives written notice to the department of such acquisition and no assessment is issued by the department within one hundred eighty days of receipt of such notice against the former operator of the business and a copy thereof mailed to such successor. [1995 c 160 s 1; 1986 c 9 s 6.]

RCW 51.16.210 Horse racing employment—Premiums. (1) The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees of trainers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms, and including all on or off track employment. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section. The department rules shall ensure that no licensee licensed prior to May 13, 1989, shall pay more than the assessment fixed at the basic manual rate.

(2) The department shall compute industrial insurance premium rates and these premiums may be assessed at the time of each issuance or renewal of the license for owners, trainers, and grooms in amounts established by department rule for coverage under this section. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to the risk insured, as determined according to rules adopted by the department and the Washington horse racing commission.

(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers. The premium assessment for a groom shall be paid by the trainer responsible for hiring the groom and is payable as required by the Washington horse racing commission.

(4) The fee to be assessed on owner licenses as required by this section shall not exceed one hundred fifty dollars. However, those owners having less than a full ownership in a horse or horses shall pay a percentage of the required license fee that is equal to the total percentage of the ownership that the owner has in the horse or horses. In no event shall an owner having an ownership percentage in more than one horse pay more than a one hundred fifty-dollar license fee. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license.

(5) Premium assessments under this section shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules. [2013 c 80 s 1; 1989 c 385 s 1.]

RCW 51.16.220 Reimbursement from disaster response account for nongovernment employees. (1) When a worker of a nongovernment employer is injured or develops an occupational disease due to an exposure while assisting in the life and rescue phase of an emergency, in response to a request for assistance from a state or local government entity, including fire service or law enforcement, the cost of benefits shall be reimbursed from the disaster response account, RCW 38.52.105, to the appropriate workers' compensation fund, or to the self-insured employer, as the case may be. The cost of such injuries or occupational diseases shall not be charged to the experience record of a state fund employer.

(2) For the purposes of this section, "life and rescue phase" means the first seventy-two hours after the occurrence of a natural or man-made disaster in which a state or municipal entity, including fire service or law enforcement, acknowledges or declares such a disaster and requests assistance from the private sector in locating and rescuing survivors. The initial life and rescue phase may be extended for a finite period of time by declaration of the state or municipal entity requesting assistance. [2005 c 422 s 1.]

Rules—2005 c 422: "The department of labor and industries may adopt rules to implement this act." [2005 c 422 s 3.]

Effective date—2005 c 422: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 11, 2005]." [2005 c 422 s 4.]

RCW 51.16.230 Hospitals—Premiums—Rules—Reports. (1) By January 1, 2007, the department shall develop rules to provide a reduced workers' compensation premium for hospitals that implement a safe patient handling program. The rules shall include any requirements for obtaining the reduced premium that must be met by hospitals.

(2) The department shall complete an evaluation of the results of the reduced premium, including changes in claim frequency and costs, and shall report to the appropriate committees of the legislature by December 1, 2010, and 2012. [2006 c 165 s 4.]

Findings—2006 c 165: See note following RCW 70.41.390.

RCW 51.16.243 Farm internship program—Special risk class—Rules. (1) The department shall adopt rules to provide special workers' compensation risk class or classes for farm interns providing agricultural labor pursuant to a farm internship program under RCW 49.12.471. The rules must include any requirements for obtaining a special risk class that must be met by small farms. [2023 c 269 s 5; 2020 c 212 s 4.]

Findings—Effective date—2023 c 269: See notes following RCW 49.12.471.

Effective date—2020 c 212: See note following RCW 49.12.471.

RCW 51.16.250 Transportation network companies—Premiums—Rules.

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in RCW 49.46.300, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in RCW 49.46.300, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in RCW 49.46.300.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) For a death that is covered under RCW 51.32.053, the cost of the benefits must be included in the consideration of rate increases for the risk class and not attributed to a single transportation network company. Such cost shall not be included in the calculation of any individual transportation network company's experience modification factor.

(4) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in RCW 49.46.300, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(5) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(6) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers. [2024 c 184 s 3; 2022 c 281 s 11.]

Intent—2024 c 184: See note following RCW 51.32.053.

Effective dates—2022 c 281 ss 8-13, 17, and 28: See note following RCW 51.12.020.