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**SUBSTITUTE HOUSE BILL 2441**

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**State of Washington                      64th Legislature                      2016 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Kirby, Sells, and S. Hunt)

1            AN ACT Relating to the social security offset to disability  
2 compensation; amending RCW 51.32.225; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 51.32.225 and 2006 c 163 s 1 are each amended to  
5 read as follows:

6            (1) For persons receiving compensation for temporary or permanent  
7 total disability under this title, the compensation shall be reduced  
8 by the department to allow an offset for social security retirement  
9 benefits payable under the federal social security, old age  
10 survivors, and disability insurance act, 42 U.S.C. This reduction  
11 shall not apply to any worker who is receiving permanent total  
12 disability benefits prior to July 1, 1986. This reduction does not  
13 apply to workers who had applied to receive social security  
14 retirement benefits prior to the date of their injury or to workers  
15 who were receiving social security benefits prior to their injury.

16            (2) Reductions for social security retirement benefits under this  
17 section shall comply with the procedures in RCW 51.32.220 (1) through  
18 (6) and with any other procedures established by the department to  
19 administer this section. For any worker whose entitlement to social  
20 security retirement benefits is immediately preceded by an  
21 entitlement to social security disability benefits, the offset shall

1 be based on the formulas provided under 42 U.S.C. Sec. 424a. For all  
2 other workers entitled to social security retirement benefits, the  
3 offset shall be based on procedures established and determined by the  
4 department to most closely follow the intent of RCW 51.32.220.

5 (3) Any reduction in compensation made under chapter 58, Laws of  
6 1986, shall be made before the reduction established in this section.

7 NEW SECTION. **Sec. 2.** This act applies to claims with dates of  
8 injury on or after the effective date of this section.

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