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**SENATE BILL 5831**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Keiser, Van De Wege, and Salomon

1 AN ACT Relating to an employer's payment of indebtedness; and  
2 amending RCW 49.48.120.

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

4 **Sec. 1.** RCW 49.48.120 and 2018 c 57 s 1 are each amended to read  
5 as follows:

6 (1) If at the time of the death of any person, his or her  
7 employer is indebted to him or her for work, labor, and services  
8 performed, and no executor or administrator of his or her estate has  
9 been appointed, the employer shall upon the request of the surviving  
10 spouse pay the indebtedness in an amount as may be due not exceeding  
11 the sum of (~~two thousand five hundred~~) ten thousand dollars, to the  
12 surviving spouse, or if the decedent leaves no surviving spouse, then  
13 to the decedent's child or children, or if no children, then to the  
14 decedent's father or mother.

15 (2) In the event the decedent's employer is the state of  
16 Washington or a municipal corporation, as defined in RCW 39.50.010,  
17 then there shall be no limit to the amount of the indebtedness that  
18 can be paid under subsection (1) of this section.

19 (3) If the decedent and the surviving spouse have entered into a  
20 community property agreement that meets the requirements of RCW  
21 26.16.120, and the right to the indebtedness became the sole property

1 of the surviving spouse upon the death of the decedent, the employer  
2 shall pay to the surviving spouse the total of the indebtedness, or  
3 that portion which is governed by the community property agreement,  
4 upon presentation of the agreement accompanied by an affidavit or  
5 declaration of the surviving spouse stating that the agreement was  
6 executed in good faith between the parties and had not been rescinded  
7 by the parties before the decedent's death.

8 (4) In all cases, the employer shall require proof of the  
9 claimant's relationship to the decedent by affidavit or declaration,  
10 and shall require the claimant to acknowledge receipt of the payment  
11 in writing.

12 (5) Any payments made by an employer pursuant to the provisions  
13 of RCW 49.48.115 and this section shall operate as a full and  
14 complete discharge of the employer's indebtedness to the extent of  
15 the payment, and no employer shall thereafter be liable to the  
16 decedent's estate, or the decedent's executor or administrator  
17 thereafter appointed.

18 (6) The employer may also pay the indebtedness upon presentation  
19 of an affidavit as provided in RCW 11.62.010.

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