Chapter 41.16 RCW
FIREFIGHTERS' RELIEF AND PENSIONS—1947 ACT

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Firefighters' relief and pensions—1955 act: Chapter 41.18 RCW.

Rights of firefighter injured outside corporate limits of municipality: RCW 35.84.050.

Volunteer firefighters' relief and pensions: Chapter 41.24 RCW.

RCW 41.16.010 Definitions. For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(2) "Board" shall mean the municipal firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(7) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for firefighter and who is actively employed as a firefighter; and shall include any "prior firefighter."

(8) "Fund" shall mean the firefighters' pension fund created herein.

(9) "Municipality" shall mean every city, town, and regional fire protection service authority, having a regularly organized full time, paid, fire department employing firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior firefighter" shall mean a firefighter who was actively employed as a firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired firefighter" shall mean and include a person employed as a firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife, husband, or state registered domestic partner of a retired firefighter who was retired on account of length of service and who was lawfully married to, or in a state registered domestic partnership with, such firefighter; and whenever that term is used with reference to the wife or former wife, husband or former husband, or current or former state registered domestic partner of a retired firefighter who was retired because of disability, it shall mean his or her lawfully married wife, husband, or state registered domestic partner on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife, husband, or state registered domestic partner who by process of law within one year prior to the retired firefighter's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children. [2020 c 107 s 1; 2009 c 521 s 88; 2007 c 218 s 18; 2003 c 30 s 1; 1973 1st ex.s. c 154 s 61; 1947 c 91 s 1; Rem. Supp. 1947 s 9578-40.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective dates—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192: See note following RCW 2.10.900.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.020 Pension board created—Members—Terms—Vacancies—Officers—Quorum. ***(Effective until June 30, 2029.)*** (1) There is hereby created in each city and town a municipal firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be chairperson of the board, the city comptroller or clerk, the chairperson of finance of the city council, or if there is no chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be, a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board. [2020 c 107 s 2; 2007 c 218 s 19; 2003 c 30 s 2; 1988 c 164 s 2; 1973 1st ex.s. c 19 s 1; 1961 c 255 s 10; 1947 c 91 s 2; Rem. Supp. 1947 s 9578-41. Prior: 1935 c 39 s 1; 1919 c 196 s 3; 1909 c 50 ss 1, 2.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.020 Pension board created—Members—Terms—Vacancies—Officers—Quorum. ***(Effective June 30, 2029.)*** (1) There is hereby created in each city and town a municipal firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative

who shall be an elected official of the city, who shall be chairperson of the board, the city comptroller or clerk, the chairperson of finance of the city council, or if there is no chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be, a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, 41.26A, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board. [2026 c 261 s 419; 2020 c 107 s 2; 2007 c 218 s 19; 2003 c 30 s 2; 1988 c 164 s 2; 1973 1st ex.s. c 19 s 1; 1961 c 255 s 10; 1947 c 91 s 2; Rem. Supp. 1947 s 9578-41. Prior: 1935 c 39 s 1; 1919 c 196 s 3; 1909 c 50 ss 1, 2.]

Effective date—2026 c 261: See note following RCW 41.26A.505.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.030 Meetings. The board shall meet at least once quarterly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the chairperson, of which due advance notice shall be given the other members of the board. [2007 c 218 s 20; 2002 c 15 s 1; 1947 c 91 s 3; Rem. Supp. 1947 s 9578-42. Prior: 1929 c 86 s 1; 1919 c 196 s 3; 1909 c 50 s 3.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.040 Powers and duties. The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the firefighters' pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in a manner consistent with the investment policies outlined in RCW 35.39.060. Authorized investments shall include investment grade securities issued by the United States, state, municipal corporations, other public bodies, corporate bonds, and other investments authorized by RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 68.52.060, and 68.52.065.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the chairperson and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the chairperson and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick firefighters and firefighters who are disabled when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured firefighters and render all medical aid and care necessary for the recovery of such firefighters on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured firefighter. If any sick or injured firefighter refuses the services of the appointed physicians, or the specially appointed and employed physician, he or she shall be personally liable for the fees of any other physician employed by him or her. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or

pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board. [2015 1st sp.s. c 4 s 30; 2007 c 218 s 21; 1992 c 89 s 1; 1967 ex.s. c 91 s 1; 1947 c 91 s 4; Rem. Supp. 1947 s 9578-43. Prior: 1929 c 86 s 1; 1919 c 196 s 3; 1909 c 50 s 3.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.050 Firefighters' pension fund—How constituted. There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firefighters' pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firefighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the firefighters' pension fund of such city, town, or fire protection district. [2007 c 218 s 22; 1999 c 117 s 3; 1994 c 273 s 23; 1986 c 296 s 3; 1982 1st ex.s. c 35 s 16; 1967 c 42 s 1; 1961 c 255 s 8; 1949 c 45 s 1; 1947 c 91 s 5; Rem. Supp. 1949 s 9578-44. Prior: 1929 c 86 s 11; 1919 c 196 s 14.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—Effective date—1986 c 296: See notes following RCW 48.14.020.

Severability—Effective dates—1982 1st ex.s. c 35: See notes following RCW 82.08.020.

Insurance premiums taxes: RCW 48.14.020.

RCW 41.16.060 Tax levy for fund. ***(Effective until June 30, 2029.)*** (1) It is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose.

(2) It is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose, subject to subsection (4) of this section: PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 may not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.

(3) The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW.

(4) If a municipality no longer has any beneficiaries receiving benefits under this chapter, the whole or any part of such additional levy under subsection (2) of this section may continue to be levied for the payment of benefits provided under RCW 41.26.150(1) or other municipal purpose until such time that the municipality no longer has any beneficiaries receiving benefits under RCW 41.26.150(1), however the proceeds of the additional levy must be annually expended for payment of benefits provided under RCW 41.26.150(1) prior to being spent for any other purpose. [2019 c 320 s 1; 1987 c 319 s 2; 1980 c 155 s 4; 1973 1st ex.s. c 195 s 43; 1973 1st ex.s. c 195 s 144; 1970 ex.s. c 92 s 2; 1965 ex.s. c 45 s 1; 1961 c 255 s 9; 1951 c 72 s 1; 1947 c 91 s 6; Rem. Supp. 1947 s 9578-45. Prior: 1929 c 86 s 12; 1919 c 196 s 15; 1909 c 50 s 14.]

Effective date—Applicability—1980 c 155: See note following RCW 84.40.030.

Severability—Effective dates and termination dates—Construction —1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Effective date—Application—1970 ex.s. c 92: See note following RCW 84.52.010.

RCW 41.16.060 Tax levy for fund. ***(Effective June 30, 2029.)*** (1) It is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose.

(2) It is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose, subject to subsection (4) of this section: PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 may not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.

(3) The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW.

(4) If a municipality no longer has any beneficiaries receiving benefits under this chapter, the whole or any part of such additional levy under subsection (2) of this section may continue to be levied for the payment of benefits provided under RCW 41.26A.150(1) or other municipal purpose until such time that the municipality no longer has any beneficiaries receiving benefits under RCW 41.26A.150(1), however the proceeds of the additional levy must be annually expended for payment of benefits provided under RCW 41.26A.150(1) prior to being spent for any other purpose. [2026 c 261 s 420; 2019 c 320 s 1; 1987 c 319 s 2; 1980 c 155 s 4; 1973 1st ex.s. c 195 s 43; 1973 1st ex.s. c 195 s 144; 1970 ex.s. c 92 s 2; 1965 ex.s. c 45 s 1; 1961 c 255 s 9; 1951 c 72 s 1; 1947 c 91 s 6; Rem. Supp. 1947 s 9578-45. Prior: 1929 c 86 s 12; 1919 c 196 s 15; 1909 c 50 s 14.]

Effective date—2026 c 261: See note following RCW 41.26A.505.

Effective date—Applicability—1980 c 155: See note following RCW 84.40.030.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Effective date—Application—1970 ex.s. c 92: See note following RCW 84.52.010.

RCW 41.16.070 Contributions by firefighters. (1) Every firefighter employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his or her pay and placed in the fund an amount in accordance with the following table:

Firefighter whose age at last birthday at time of entry of service was:	Contributions and deductions from salary
21 and under.	5.00%
22	5.24%
23	5.50%
24	5.77%
25	6.07%
26	6.38%
27	6.72%
28	7.09%
29	7.49%
30 and over.	7.92%

(2) Every firefighter employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, five percent of his or her salary.

(3) Every firefighter actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, four percent of his or her salary. [2007 c 218 s 23; 1947 c 91 s 7; Rem. Supp. 1947 s 9578-46. Prior: 1929 c 86 s 14; 1919 c 196 s 18.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.080 Retirement for service. Any firefighter employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as "firefighter," and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement any firefighter shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his or her service and a percentage factor based upon his or her age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under.	1.50%
21	1.55%

Entrance age at last birthday	Salary percentage factor
22	1.60%
23	1.65%
24	1.70%
25	1.75%
26	1.80%
27	1.85%
28	1.90%
29	1.95%
30 and over.....	2.00%

Said monthly pension shall be in the amount of his or her average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor. [2007 c 218 s 24; 1959 c 5 s 2; 1957 c 82 s 2. Prior: 1947 c 91 s 8, part; 1935 c 39 s 2, part; 1929 c 86 s 2, part; 1919 c 196 s 4, part; 1909 c 50 s 4, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.090 Limit of pension. All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 s 1; 1967 ex.s. c 91 s 2; 1959 c 5 s 3; 1957 c 82 s 3. Prior: 1947 c 91 s 8, part; 1935 c 39 s 2, part; 1929 c 86 s 2, part; 1919 c 196 s 4, part; 1909 c 50 s 4, part; Rem. Supp. 1947 s 9578-47, part.]

RCW 41.16.100 Payment on death of retired firefighter. The widow or widower, child, children or beneficiary of any firefighter retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars. [2007 c 218 s 25; 1973 1st ex.s. c 154 s 62; 1959 c 5 s 4; 1957 c 82 s 4. Prior: 1947 c 91 s 8, part; 1935 c 39 s 2, part; 1929 c 86 s 2, part; 1919 c 196 s 4, part; 1909 c 50 s 4, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.110 Payment on death of eligible pensioner before retirement. Whenever any firefighter shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100. [2007 c 218 s 26; 1959 c 5 s 5; 1957 c 82 s 5. Prior: 1947 c 91 s 8, part; 1935 c 39 s 2, part; 1929 c 86 s 2, part; 1919 c 196 s 4, part; 1909 c 50 s 4, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.120 Payment on death in line of duty. Whenever any active firefighter or firefighter retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased firefighter's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the firefighter's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children. [2007 c 218 s 27; 1973 1st ex.s. c 154 s 63; 1959 c 5 s 6; 1957 c 82 s 6. Prior: 1947 c 91 s 8, part; 1935 c 39 s 2, part; 1929 c 86 s 2, part; 1919 c 196 s 5, part; 1909 c 50 s 4, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.130 Payment upon disablement in line of duty. (1) Any firefighter who shall become disabled as a result of the performance of his or her duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him or her, after giving him or her a thirty days' notice. Upon his or her retirement he or she shall be paid a monthly disability pension in [an] amount equal to one-half of his or her monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he or she recovers from his or her disability he or she shall thereupon be restored to active service, with the same rank he or she held when he or she retired.

(3) If the firefighter dies during disability and not as a result thereof, RCW 41.16.160 shall apply. [2007 c 218 s 28; 1959 c 5 s 7; 1957 c 82 s 7. Prior: 1947 c 91 s 8, part; 1935 c 39 s 3, part; 1929 c 86 s 3, part; 1919 c 196 s 5, part; 1909 c 50 s 5, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.140 Payment upon disablement not in line of duty. Any firefighter who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such firefighter shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his or her contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased. [2007 c 218 s 29; 1973 1st ex.s. c 154 s 64; 1959 c 5 s 8; 1957 c 82 s 8. Prior: 1947 c 91 s 8, part; 1935 c 39 s 6, part; 1929 c 86 s 7, part; 1919 c 196 s 9, part; 1909 c 50 s 9, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.145 Annual increase in benefits payable on retirement for service, death in line of duty, and disability—Appeals. ***(Effective until June 30, 2029.)*** The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and firefighters' system retirement board provided for in *RCW 41.26.050.

For the purpose of this section the term "consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [2007 c 218 s 30; 1975-'76 2nd ex.s. c 44 s 1; 1975 1st ex.s. c 178 s 1; 1974 ex.s. c 190 s 1; 1970 ex.s. c 37 s 3; 1969 ex.s. c 209 s 38.]

***Reviser's note:** RCW 41.26.050 was repealed by 1982 c 163 s 23. Powers, duties, and functions of the Washington law enforcement officers' and firefighters' retirement board were transferred to the director of retirement systems by RCW 41.26.051, which has been decodified.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Construction of RCW 41.16.145—1975 1st ex.s. c 178: See RCW 41.16.921.

Construction—1970 ex.s. c 37: See note following RCW 41.18.104.

Effective date—Construction—Severability—1969 ex.s. c 209: See RCW 41.26.3901, 41.26.3902, and 41.26.3903.

RCW 41.16.145 Annual increase in benefits payable on retirement for service, death in line of duty, and disability—Appeals. ***(Effective June 30, 2029.)*** The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of this chapter in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the director of retirement systems.

For the purpose of this section the term "consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [2026 c 261 s 421; 2007 c 218 s 30; 1975-'76 2nd ex.s. c 44 s 1; 1975 1st ex.s. c 178 s 1; 1974 ex.s. c 190 s 1; 1970 ex.s. c 37 s 3; 1969 ex.s. c 209 s 38.]

Effective date—2026 c 261: See note following RCW 41.26A.505.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Construction of RCW 41.16.145—1975 1st ex.s. c 178: See RCW 41.16.921.

Construction—1970 ex.s. c 37: See note following RCW 41.18.104.

Effective date—Construction—Severability—1969 ex.s. c 209: See RCW 41.26.3901, 41.26.3902, and 41.26.3903.

RCW 41.16.150 Payment on separation from service. (1) Any firefighter who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his or her average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The firefighter shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his or her contribution, plus accrued compounded interest. In the event he or she elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such firefighter during his or her lifetime.

(2) Any firefighter who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest. [2007 c 218 s 31; 1973 1st ex.s. c 154 s 65; 1959 c 5 s 9; 1957 c 82 s 9. Prior: 1947 c 91 s 8, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.160 Payment on death not in line of duty. Whenever any firefighter, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the

amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall paid such beneficiaries. [2007 c 218 s 32; 1973 1st ex.s. c 154 s 66; 1959 c 5 s 10; 1957 c 82 s 10. Prior: 1947 c 91 s 8, part; 1929 c 86 s 7, part; 1919 c 196 s 9, part; 1909 c 50 s 9, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.170 Payment on death of firefighter with no dependents. Whenever a firefighter dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary. [2007 c 218 s 33; 1973 1st ex.s. c 154 s 67; 1959 c 5 s 11; 1957 c 82 s 11. Prior: 1947 c 91 s 8, part; 1935 c 39 s 5; 1929 c 86 s 6, part; 1919 c 196 s 8, part; 1909 c 50 s 8, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.180 Funeral expense. Upon the death of any active firefighter, firefighter who is disabled, or retired firefighter, the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such firefighter. [2007 c 218 s 34; 1959 c 5 s 12; 1957 c 82 s 12. Prior: 1947 c 91 s 8, part; 1935 c 39 s 10; 1929 c 86 s 15; 1919 c 196 s 18; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.190 Waiting period—Disability retirement. No firefighter disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a firefighter has been disabled while in the performance of his or her duties, it shall declare him or her inactive. For a period of six months from the time he or she became disabled, he or she shall continue to draw full pay from his or her municipality and in addition thereto he or she shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the firefighter is unable to return to and perform his or her duties, then he or she shall be retired as herein provided. [2007 c 218 s 35; 1959 c 5 s 13; 1957 c

82 s 13. Prior: 1947 c 91 s 8, part; 1935 c 39 s 4, part; 1929 c 86 s 5, part; 1919 c 196 s 7, part; 1909 c 50 s 7, part; Rem. Supp. 1947 s 9578-47, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.200 Examination of disability pensioners—Restoration to duty. The board shall require all firefighters receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a firefighter shall fail to submit to such examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said firefighter under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such firefighter. If such firefighter fails to present himself or herself for examination within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank, then, at his or her request, in such other rank, the duties of which he or she is then able to perform. The board shall thereupon so notify the firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he or she shall forfeit all rights to any benefits under this chapter. [2007 c 218 s 36; 1947 c 91 s 9; Rem. Supp. 1947 s 9578-48. Prior: 1929 c 86 s 8; 1919 c 196 s 10; 1909 c 50 s 10.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.210 Transfer of assets to new fund—Assumption of obligations. (1) Funds or assets on hand in the firefighters' relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the firefighters' pension fund created by this chapter; and the firefighters' pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said firefighters' relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the firefighters' relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the firefighters' pension fund created under this chapter, and shall at such times and in such amounts as is directed by the board be repaid. [2007 c 218 s 37; 1947 c 91 s 10; Rem. Supp. 1947 s 9578-49.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.220 Credit for military service. Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he or she entered, and is an honorably discharged veteran or received a discharge for physical reasons with an honorable record from the armed forces, and whose military service was during a period of war as defined in RCW 41.04.005, shall have added and accredited to his or her period of employment as a firefighter as computed under this chapter his or her period of war service in such armed forces upon payment by him or her of his or her contribution for the period of his or her absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: PROVIDED, HOWEVER, Such accredited service shall not in any case exceed five years. [2024 c 146 s 18; 2007 c 218 s 38; 1969 ex.s. c 269 s 7; 1947 c 91 s 11; Rem. Supp. 1947 s 9578-50.]

Intent—2024 c 146: See note following RCW 73.04.005.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.230 Repeal does not affect accrued rights. Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any "prior firefighter," his widow, her widower, child or children, any firefighter eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired firefighter, his widow, her widower, child or children, to receive payments and benefits from the firefighters' pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed. [2007 c 218 s 39; 1973 1st ex.s. c 154 s 68; 1947 c 91 s 12; Rem. Supp. 1947 s 9578-51.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 41.16.240 Application of chapter to fire protection districts. Any fire protection district having a full paid fire department may by resolution of its board of fire commissioners provide for the participation of its full time employees in a pension program in the same manner, with the same powers, and with the same force and effect as to such districts as the pension program provided by chapter 41.16 RCW for cities, towns and municipalities, or fire protection districts. [1955 c 46 s 1.]

RCW 41.16.250 Retirement and job security rights preserved upon annexation, etc., of district. If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid firefighter affected by such annexation,

incorporation or succession shall receive a reduction in his or her retirement and job security rights: PROVIDED, That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW. [2007 c 218 s 40; 1963 c 63 s 1.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 41.16.260 Transfer of credit from city employees' retirement system to firefighters' pension system. See RCW 41.18.210.

RCW 41.16.920 Construction—1959 c 5—Benefits retroactively authorized. The provisions of chapter 5, Laws of 1959 are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of chapter 5, Laws of 1959. [1959 c 5 s 14.]

RCW 41.16.921 Construction—1975 1st ex.s. c 178, RCW 41.16.145. (1) The provisions of this section are procedural and remedial.

(2) The application and effect of chapter 178, Laws of 1975 1st ex. sess. shall be retroactive to and including May 6, 1974. Each benefit being paid on June 4, 1975, shall then be adjusted as if chapter 178, Laws of 1975 1st ex. sess. had been in existence since May 6, 1974. Additionally, any amounts which would have been paid had chapter 178, Laws of 1975 1st ex. sess. been in effect since May 6, 1974, shall then be due as a one-time lump sum payment.

(3) The provisions of RCW 41.16.145 shall be construed and read to have granted the percentage increase provided by that section to those receiving benefits pursuant to RCW 41.16.230, until and including July 1, 1974, at which time those persons shall be regarded as eligible for the benefits granted by chapter 190, Laws of 1974 ex. sess., as provided in subsection (2) of this section. Any amounts now payable due to a failure to so construe and read RCW 41.16.145 are now due as a one-time lump sum payment. [1975 1st ex.s. c 178 s 5.]

RCW 41.16.922 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 87.]

Effective dates—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192: See note following RCW 2.10.900.