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SENATE BILL NO. 823

Offered January 12, 2011

Prefiled January 6, 2011

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 65.2 a section numbered 65.2-105, relating to a presumption that certain injuries occurring at a workplace arise out of employment.

Patrons—Edwards and Stuart

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 65.2 a section numbered 65.2-105 as follows:

§ 65.2-105. Presumption that certain injuries arise out of employment.

A. Where an employee is found dead or to have incurred a severe brain injury at his place of work or in a nearby location where his duties may have called him during his hours of work, his injuries shall be presumed to be by accident arising out of employment unless such presumption is overcome by a preponderance of competent evidence.

B. As used in this section, "severe brain injury" means damage to the brain resulting from external mechanical force that temporarily or permanently impairs the employee's brain function to such an extent that the employee is incapable of recalling the relevant circumstances of the accident.

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