

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB1475

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Ware, O.

3. Committee: Commerce and Labor

4. Title: Workers' compensation; presumption that injury arises out of employment.

5. Summary: Creates a presumption that a workplace injury results from an accident arising out of employment for purposes of the Workers' Compensation Act if the employee is found dead or to have incurred a brain injury resulting from external mechanical force that impairs the employee's brain function to such an extent that the employee is incapable of recalling the relevant circumstances of the accident. A judicially created presumption currently exists when an employee is found dead as the result of an accident at his place of work and there is no evidence offered to show what caused the death or to show that he was not engaged in his employer's business at the time.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate

8. Fiscal Implications: The Department of Human Resource Management indicates that this legislation could potentially increase the cost of claims to the Commonwealth as the language includes not only death cases, which have an existing presumption, but also any case where the employee is physically or mentally unable to testify as to the facts surrounding the claim. Because the Commonwealth has experience based premiums, any additional cost of claims would be passed on to the agencies in the form of increased premiums.

The Workers' Compensation Commission reports no fiscal impact to the commission.

9. Specific Agency or Political Subdivisions Affected: The Department of Human Resource Management, Workers' Compensation Commission

10. Technical Amendment Necessary: No

11. Other Comments: n/a

Date: 2/3/11 ckb

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