

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1305

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

2. Patron: Habeeb

3. Committee: Passed both houses

4. Title: Workers' compensation; injuries presumed to be in course of employment.

5. Summary: Revises the provision enacted in 2011 that created a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if an employee is physically or mentally unable to testify and there is unrebutted prima facie evidence that the injury was work related. This measure clarifies that where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment, it shall be presumed the accident arose out of and in the course of employment, unless such presumption is overcome by a preponderance of competent evidence to the contrary.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final

8. Fiscal Implications: The Workers' Compensation Commission (WCC) reports that this legislation could impact the WCC Uninsured Employer's Fund (UEF) because cases that are not compensable under current law may become compensable under this proposed legislation. The impact could be significant since some of the potential cases involve serious injuries with substantial medical expenses. It is not possible to accurately predict how many such cases may impact the UEF.

9. Specific Agency or Political Subdivisions Affected: Workers' Compensation Commission.

10. Technical Amendment Necessary: n/a

11. Other Comments: n/a

Date: 2/14/13

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