

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1305

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

**2. Patron:** Habeeb

**3. Committee:** Commerce and Labor

**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 the presumption applies when the employee's inability to testify pertains to testimony about the circumstances of the accident.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Indeterminate

**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:** 1/22/12

**Document:** G:\2013 FIS's\WCC\HB1305H1.DOC

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