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**HOUSE BILL NO. 456**

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend and reenact § 65.2-902 of the Code of Virginia, relating to failure to make reports; assessments of civil penalties by the Virginia Workers' Compensation Commission.*

Patron—Kilgore

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-902 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-902. Failure to make required reports; civil penalty.**

A. Any employer, *insurance carrier, self-insurer, group self-insurance association, or third party administrator* who fails to make any report required by the Commission pursuant to this title shall be assessed a civil penalty of not more than \$500 for each failure. If the Commission determines that any such failure is willful, it shall assess a civil penalty of not less than \$500 and not more than \$5,000. The civil penalty herein provided may be assessed by the Commission in an open hearing with the right of review and appeal as in other cases. ~~In the event the employer has transmitted the report to the insurance carrier or third party administrator for transmission to the Commission, the insurance carrier or third party administrator failing to transmit the report shall be liable for the civil penalty.~~

B. Any civil penalty assessed pursuant to this section shall be *divided equally between and paid into the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.) and the Uninsured Employer's Fund established in Chapter 12 (§ 65.2-1200 et seq.) of this title.* ~~The Commission may add the costs of collection of such civil penalty to the aggregate civil penalty owed, in which event such costs shall be paid into the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.).~~

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HB456