

**Department of Planning and Budget
2015 Fiscal Impact Statement**

1. Bill Number: SB770-S1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: McEachin

3. Committee: Courts of Justice

4. Title: Workers' compensation; exclusivity of remedy.

5. Summary: Provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions.

The substitute for Senate Bill 770 adds that except in the case of a self-insured employer or business entity closely related to a party to the court proceeding, in order for the court finding to be res judicata, notice shall be provided in the same manner as allowed in subsection F of § 38.2-2206 or § 8.01-288 to any entity or person sought to be bound. In addition, any such entities or persons so notified shall be given the same opportunity to be heard in that court proceeding as a party to the same, but limited to the issue of whether the accident, injury, disease, or death arose out of and in the course and scope of the employee's employment. Failure to provide notice to any party to either the court or Commission proceeding shall not affect the rights, privileges, or obligations of the parties, but only the applicability of this subsection and only as stated herein.

6. Budget Amendment Necessary: No.

7. No Fiscal Impact

8. Fiscal Implications: According to the Workers' Compensation Commission, this legislation is not expected to result in a state fiscal impact.

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

10. Technical Amendment Necessary: No.

11. Other Comments: The substitute for Senate Bill 770 reported out of the Courts of Justice Committee did not change the fiscal impact of this legislation.