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**HOUSE BILL NO. 44**

Offered January 13, 2016

Prefiled November 24, 2015

*A BILL to amend and reenact § 65.2-105 of the Code of Virginia, relating to workers' compensation; presumption; injuries in course of employment.*

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Patron—Habeeb

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That § 65.2-105 of the Code of Virginia is amended and reenacted as follows:****§ 65.2-105. Presumption that certain injuries arose out of and in the course of employment.**

In any claim for compensation, where the employee is physically or mentally unable to testify *about how the accident occurred because of injuries from the accident* as confirmed by competent medical evidence and 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.

INTRODUCED

HB44