

# 2016 SESSION

## HOUSE SUBSTITUTE

16105123D

### HOUSE BILL NO. 44

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Commerce and Labor  
on February 9, 2016)

(Patron Prior to Substitute—Delegate Habeeb)

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

**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 (i) is physically or mentally unable to testify as confirmed by competent medical evidence, (ii) *dies with there being no evidence that he ever regained consciousness after the accident*, (iii) *dies at the accident location or nearby*, or (iv) *is found dead where he is reasonably expected to be as an employee*, 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.

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HB44H1