

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: HB44-ER

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

2. Patron: Habeeb

3. Committee: Passed Both Houses

4. Title: Workers' compensation; injuries presumed to be in course of employment.

5. Summary: Establishes presumptions in claims under the Virginia Workers' Compensation Act that the accident arose out of and in the course of employment if (i) the employee dies with there being no evidence that he ever regained consciousness after the accident, (ii) dies at the accident location or nearby, or (iii) is found dead where he is reasonably expected to be as an employee. These presumptions will exist in the absence of a preponderance of evidence to the contrary 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.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final – see Item 8.

8. Fiscal Implications: The legislation expands § 65.2-105, Code of Virginia, to provide for injured workers who are not found dead, but are unconscious and die before regaining consciousness in addition to those employees who are found dead at a location where they were reasonably expected to be as an employee. The legislation may have a fiscal impact to the Commonwealth as it expands the presumption that certain injuries occurred as a result of and during employment; however, the costs cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Department of Human Resource Management and Workers' Compensation Commission.

10. Technical Amendment Necessary: No.

11. Other Comments: None.