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## SENATE BILL NO. 1472

Offered January 17, 2017

A BILL to amend and reenact §§ 65.2-900 and 65.2-902 of the Code of Virginia, relating to workers' compensation; reporting injury or death; filing claim; civil penalty.

Patron—Favola

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That §§ 65.2-900 and 65.2-902 of the Code of Virginia are amended and reenacted as follows:****§ 65.2-900. Records and reports of accidents.**

A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the course of employment. Within ~~ten~~ 10 days after the occurrence of such injury or death, and knowledge of injury as provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the Commission by the employer, its representative or, in the case of an insured employer, its insurance carrier, in accordance with regulations adopted by the Commission which may authorize the transmission of such reports in written, magnetic, electronic or facsimile media. The Commission shall provide forms and instructions for reporting as required by this section. The Commission shall provide the Department of Labor and Industry with such reports.

B. The accident report shall (i) contain the name, nature and location of the business of the employer and the name, age, sex and wages and occupation of the injured employee; ~~and shall;~~ (ii) state the date and hour of the accident causing the injury and the nature and cause of the injury; ~~together with;~~ (iii) be signed by the injured employee or his personal representative; and (iv) include such other information as may be required by the Commission. However, those injuries deemed minor by the Commission shall be reported in the manner prescribed by the Commission.

C. The making and transmission by the employer to the Commission of an accident report that complies with subsection B shall constitute the filing with the Commission by or on behalf of the employee of a claim under § 65.2-601 for benefits under this title with respect to any injury arising from the accident.

**§ 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 (i) fails to make any report required by the Commission pursuant to § 65.2-900 or other provision of this title or (ii) dissuades or deters an employee from filing a claim under § 65.2-601 shall be assessed a civil penalty of not more than \$500 for each failure or other act. If the Commission determines that any such failure or other act 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.

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.). 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.).

INTRODUCED

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