

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-602 of the Code of Virginia, relating to workers' compensation;*
3 *tolling of statute of limitations.*

4 [H 2022]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-602 of the Code of Virginia is amended and reenacted as follows:**8 **§ 65.2-602. Tolling of statute of limitations.**

9 In any case where an employer has received notice of an accident resulting in compensable injury to
10 an employee as required by § 65.2-600, and, whether or not an award has been entered, ~~such the~~
11 employer nevertheless has paid compensation or wages to such employee during incapacity for work, as
12 defined in § 65.2-500 or § 65.2-502, resulting from such injury or the employer has failed to file the
13 report of said accident with the Virginia Workers' Compensation Commission as required by § 65.2-900,
14 and such conduct of the employer has operated to prejudice the rights of such employee with respect to
15 the filing of a claim prior to expiration of a statute of limitations otherwise applicable, such statute shall
16 be tolled for the duration of such payment or, as the case may be, until the employer files the first
17 report of accident required by ~~§ 65.2-900~~ or otherwise has under a workers' compensation plan or
18 insurance policy furnished or caused to be furnished medical service to such employee as required by
19 § 65.2-603, the statute of limitations applicable to the filing of a claim shall be tolled until the last day
20 for which such payment of compensation or wages or furnishment of medical services as described
21 above is provided and that occurs more than six months after the date of accident. However, no such
22 payment of wages or workers' compensation benefits or furnishment of medical service as described
23 above occurring after the expiration of the statute of limitations shall apply to this provision. In the case
24 where the employer has failed to file a first report, the statute of limitations shall be tolled during the
25 duration thereof until the employer filed the first report of accident as required by § 65.2-900. In the
26 event that more than one of the above tolling provisions applies, whichever of those causes the longer
27 period of tolling shall apply. For purposes of this section, such rights of an employee shall be deemed
28 not prejudiced if his employer has filed the first report of accident as required by ~~§ 65.2-900~~ or he has
29 received after the accident a workers' compensation guide described in ~~§ 65.2-201~~ or a notice in
30 substantially the following form:

31 NOTICE TO EMPLOYEE.

32 BECAUSE OF THE ACCIDENT OR INJURY YOU HAVE REPORTED, YOU MAY HAVE A
33 WORKERS' COMPENSATION CLAIM. HOWEVER, SUCH CLAIM MAY BE LOST IF YOU DO
34 NOT FILE IT WITH THE VIRGINIA WORKERS' COMPENSATION COMMISSION WITHIN THE
35 TIME LIMIT PROVIDED BY LAW. YOU MAY FIND OUT WHAT TIME LIMIT APPLIES TO
36 YOUR INJURY BY CONTACTING THE COMMISSION. THE FACT THAT YOUR EMPLOYER
37 MAY BE COVERING YOUR MEDICAL EXPENSES OR CONTINUING TO PAY YOUR SALARY
38 OR WAGES DOES NOT STOP THE TIME FROM RUNNING.

39 Such notice shall also include the address and telephone number which the employee may use to
40 contact the Commission.

41 **2. That the provisions of this act shall apply with respect to any claim under the Virginia**
42 **Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia) that arises with respect to**
43 **an injury as defined in § 65.2-101 of the Code of Virginia occurring on or after July 1, 2019.**

ENROLLED

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