

# 1995 SESSION

INTRODUCED

LD6463400

## HOUSE BILL NO. 2066

Offered January 23, 1995

*A BILL to amend and reenact § 65.2-704 of the Code of Virginia, relating to workers' compensation hearings; nonsuits.*

Patrons—Phillips and Stump

Referred to Committee on Labor and Commerce

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 65.2-704 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-704. Hearing and award by Commission.

A. The Commission or any of its members or deputies shall hear the parties at issue, their representatives, and witnesses; shall decide the issues in a summary manner; and shall make an award carrying out the decision. A copy of the award shall be sent immediately to the parties at issue. *A claimant shall be entitled to take a nonsuit in a hearing under this section prior to the rendering of a decision. Only one nonsuit may be taken to a claim or against the same party to the proceeding, as a matter of right, although additional nonsuits may be permitted by the Commission or counsel may stipulate to additional nonsuits. The Commission, in the event additional nonsuits are allowed, may assess costs and reasonable attorney's fees against the nonsuiting party.*

B. Any member of the Commission who hears the parties at issue and makes an award under the provisions of subsection A of this section shall not participate in a rehearing and review of such award provided under § 65.2-705. When a member is absent or is prohibited by the provisions of this subsection from sitting with the full Commission to hear a review, the Chairman shall appoint one of the deputies to sit with the other Commission members.

C. Hearings convened by the Commission shall be public proceedings and, upon proper request to the Commission, may, in the discretion of the Commission, be video recorded for public broadcast at the expense of the requesting party, subject only to the same limitations and conditions as apply to court proceedings in the Commonwealth.

INTRODUCED

HB2066