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## SENATE BILL NO. 397

Offered January 22, 1996

*A BILL to amend and reenact § 65.2-712 of the Code of Virginia, relating to workers' compensation; reporting obligations of persons receiving compensation benefits; statutory dependents.*

Patrons—Reasor, Barry, Benedetti, Chichester, Colgan, Couric, Hawkins, Holland, Newman, Norment, Stosch, Wampler, Whipple and Woods; Delegates: Abbitt, Bloxom, Cox, Drake, Hargrove, Katzen, Moran, Nelms, Nixon, Puller, Purkey, Shuler, Tata, Wardrup and Watkins

Referred to the Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That § 65.2-712 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-712. Reporting incarcerations, change in earnings, remarriage, change in student status; recovery of payments procured by fraud, misrepresentation, or unreported change in condition.

So long as an employee *or statutory dependent pursuant to § 65.2-515* receives payment of compensation under this title, *any such employee person* shall have a duty immediately to disclose to the employer, when the employer is self-insured, or insurer in all other cases, any incarceration, return to employment ~~or~~, increase in his earnings, *remarriage or change in his status as a full-time student*. Any payment to a claimant by an employer or insurer which is later determined by the Commission to have been procured by the employee *or statutory dependent under § 65.2-515* by fraud, misrepresentation, or failure to report any incarceration, return to employment ~~or~~, increase in earnings, *remarriage or change in his status as a full-time student* may be recovered from the claimant *or statutory dependent* by the employer or insurer either by way of credit against future compensation payments due the claimant *or statutory dependent*, or by action at law against the claimant *or statutory dependent*.

INTRODUCED

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