

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 131

An Act to amend and reenact § 65.2-1203 of the Code of Virginia, relating to workers' compensation; Uninsured Employer's Fund; awards.

[H 1682]

Approved March 6, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-1203 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-1203. Awards.

A. 1. Whenever, following due investigation of a claim for compensation benefits, the Commission determines that (i) the employer of record has failed to comply with the provisions of § 65.2-801 or that a self-insured employer or its surety as required by § 65.2-801 is unable to satisfy an award in whole or in part, and (ii) the claim is compensable, the Commission shall make a provisional award of compensation benefits, or any unpaid balance thereof, without further delay. Thereafter, the Commission shall make a final award concerning such benefits or unpaid balance thereof, in accordance with the provisions of this chapter and all applicable provisions of this title. The Commission shall order payment of any award of compensation benefits pursuant to this chapter from the Uninsured Employer's Fund.

2. *After an award has been entered against an employer for compensation benefits under any provision of this chapter, and upon finding that the employer has failed to comply with the provisions of § 65.2-801, or that a self-insured employer or its surety as required by § 65.2-801 is unable to satisfy an award in whole or in part, the Commission shall order the award, or any unpaid balance, to be paid from the Uninsured Employer's Fund after demand has been made by a claimant upon his employer or other uninsured entity which is responsible to pay the award. Such demand may be waived by the Commission for good cause shown.*

B. For the purposes of this chapter, an employer who is a former member of a group self-insurance association whose license has been terminated by the State Corporation Commission and whose security deposit with the State Treasurer or surety coverage has been exhausted shall be deemed to be an uninsured employer not in compliance with § 65.2-801. For all such uninsured employers, the Attorney General, or his designee, shall enforce the right of subrogation and recoupment as provided in § 65.2-1204.