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HOUSE BILL NO. 1596

Offered January 8, 1997

Prefiled December 4, 1996

A BILL to amend the Code of Virginia by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.5 and by adding a section numbered 65.2-706.1, relating to workers' compensation; determination of employment status.

Patron—McEachin

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.5 and by adding a section numbered 65.2-706.1 as follows:

§ 8.01-420.5. Res judicata effect of judicial determination of employment status.

A decree rendered by a court of this Commonwealth that a person is or is not an employee for the purpose of obtaining jurisdiction is conclusive. A decision under this section is res judicata in any subsequent action before a court or the Virginia Workers' Compensation Commission.

§ 65.2-706.1. Res judicata effect of a Virginia Workers' Compensation Commission determination of employment status.

A decree rendered by the Workers' Compensation Commission that a person is or is not an employee for the purpose of obtaining jurisdiction is conclusive. The decision under this section is res judicata in any subsequent action in a court of this Commonwealth.

INTRODUCED

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