

# 1997 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 1596

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 2, 1997)

(Patron Prior to Substitute—Delegate McEachin)

*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.*

**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. Estoppel effect of judicial determination of employment status.*

*A final, unappealed order entered by a circuit court of this Commonwealth that a person is or is not an employee of another for the purpose of obtaining jurisdiction shall estop either of said parties from asserting otherwise in any subsequent action between such parties upon the same claim or cause of action before a court of this Commonwealth or the Virginia Workers' Compensation Commission.*

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

*A final, unappealed award by the Virginia Workers' Compensation Commission that a person is or is not an employee of another for the purpose of obtaining jurisdiction shall estop either of said parties from asserting otherwise in any subsequent action between such parties upon the same claim or cause of action in a court of this Commonwealth.*

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