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HOUSE BILL NO. 2296

House Amendments in [] — January 31, 1997

A *BILL to amend and reenact § 65.2-713 of the Code of Virginia, relating to workers' compensation; costs.*

Patrons—Stump, Abbitt, Kilgore, Phillips, Spruill and Tate; Senator: Reasor

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:**1. That § 65.2-713 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-713. Costs.

A. If the Commission or any court before whom any proceedings are brought or defended by the employer or insurer under this title shall determine that such proceedings have been brought, prosecuted, or defended without reasonable grounds, it may assess against the employer or insurer who has so brought, prosecuted, or defended them the whole cost of the proceedings, including a reasonable attorney's fee, to be fixed by the Commission.

B. Where the Commission finds that an employer or insurer has delayed payment without reasonable grounds, it may assess against the employer or insurer the whole cost of the proceedings, including a reasonable attorney's fee to be fixed by the Commission. In such a case where an attorney's fee is awarded against the employer or insurer, the Commission shall calculate and add to any award made to the claimant interest at the judgment rate, as set forth in § 6.1-330.54, on the benefits accrued from the date the Commission determined the award should have been paid through the date of the award.

C. Where the Commission finds that an employer or insurer has [~~delayed payment without reasonable grounds~~] filed an application for a hearing in bad faith , it shall assess against the employer or an insurer an amount [~~equal up~~] to ten percent of the total amount of the benefits accrued from the date the Commission determined the award should have been paid through the date of the award. This payment shall be in addition to any costs, fees, or awards as set forth in subsection B.

ENGROSSED

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