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HOUSE BILL NO. 2375

House Amendments in [] — February 3, 1997

A *BILL* to amend the Code of Virginia by adding a section numbered 65.2-520.1, relating to workers' compensation; temporary payments of compensation or wages.

Patrons—Abbitt, Albo, Bloxom, Bryant, Cantor, Cox, Croshaw, Crouch, Drake, Hargrove, Heilig, Katzen, Landes, Nelms, Nixon, Parrish, Purkey, Rhodes, Sherwood, Shuler, Tata, Wardrup, Watkins and Weatherholtz; Senators: Barry, Benedetti, Bolling, Chichester, Colgan, Couric, Hanger, Hawkins, Martin, Miller, K.G., Newman, Norment, Potts, Reasor, Schrock, Stolle, Stosch, Wampler and Woods

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 a section numbered 65.2-520.1 as follows:**

§ 65.2-520.1. *Temporary payments of compensation or wages.*

Provided the employer files with the Commission the report of accident, nothing in this title shall prejudice the employer from making temporary payments of compensation or wages to the employee during incapacity for work as provided in § 65.2-500 or § 65.2-502, resulting from such injury or occupational disease. Such payments shall be for a period not to exceed [~~one year~~ six months] from the date of an injury or, for an occupational disease, for a period not to exceed [~~one year~~ six months] of such benefit payments. Temporary payments made voluntarily by an employer under this section shall not (i) prejudice the employer's rights or estop the employer from contesting any part or all of the claim, (ii) be used to support a claim for compensation or for assessment of fees under § 65.2-713, or (iii) be admitted into evidence or considered part of a hearing record. The employer shall be entitled to a credit for any such temporary payments against any award subsequently made therefor; however, there shall be no right to recovery of temporary payments if an award granting benefits is not entered. Payment of temporary compensation or wages shall not toll the limitations periods for filing a claim under § 65.2-601 or § 65.2-708 for the duration of such payment. [If an employer makes voluntary payments as provided herein, the employer shall at the conclusion of the voluntary payments send the employee a notice including the following:

You, (employee's name), have been receiving voluntary payments of workers' compensation benefits. (Employer's name) will not make any further payments under the Workers' Compensation Act. Take notice that your right to workers' compensation benefits will expire unless you file a claim with the Workers' Compensation Commission within two years from the date of your injury or eighteen months from the date of the check accompanying this notice, whichever occurs last.]

ENGROSSED

HB2375E