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HOUSE BILL NO. 2590

House Amendments in [] — January 31, 1997

A BILL to amend and reenact § 65.2-600 of the Code of Virginia, relating to workers' compensation; notice of accident.

Patron—Howell

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:**1. That § 65.2-600 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-600. Notice of accident.

A. Every injured employee or his representative shall immediately on the occurrence of an accident or as soon thereafter as practicable, give or cause to be given to the employer a written notice of the accident. [*Notice of accident shall not be required to be given to any statutory employer, but for such statutory employer to be held responsible for any award he shall have had notice of the hearing to ascertain compensability of the accident.* If notice of accident is not given to any statutory employer, such statutory employer may be held responsible for initial and additional awards of compensation rendered by the Commission if (i) he shall have had at least sixty days' notice of the hearing to ascertain compensability of the accident, and (ii) the statutory employer was not prejudiced by lack of notice of the accident.]

B. The notice shall state the name and address of the employee, the time and place of the accident, and the nature and cause of the accident and the injury.

C. The employee shall not be entitled to physician's fees nor to any compensation which may have accrued under the terms of this title prior to the giving of such notice, unless it can be shown that the employer, his agent or representative had knowledge of the accident or that the party required to give notice had been prevented from giving notice by reason of physical or mental incapacity or the fraud or deceit of some third person.

D. No compensation or medical benefit shall be payable unless such written notice is given within thirty days after the occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby.

E. No defect or inaccuracy in the notice shall be a bar to compensation unless the employer shall prove that his interest was prejudiced thereby and then only to such extent as the prejudice.

ENGROSSED

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