

1997 SESSION

INTRODUCED

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SENATE BILL NO. 1044

Offered January 20, 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—Holland, Barry, Benedetti, Bolling, Chichester, Colgan, Couric, Hanger, Hawkins, Martin, Miller, K.G., Newman, Norment, Potts, Reasor, Schrock, Stolle, Stosch, Wampler and Woods; Delegates: Abbitt, Albo, Bloxom, Bryant, Cantor, Cox, Crouch, Drake, Hargrove, Katzen, Landes, Nelms, Nixon, Parrish, Purkey, Rhodes, Sherwood, Shuler, Tata, Wardrup, Watkins and Weatherholtz

Referred to the Committee on Commerce and Labor

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 from the date of an injury or, for an occupational disease, for a period not to exceed one year 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.

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