

2006 SESSION

INTRODUCED

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HOUSE BILL NO. 1558

Offered January 20, 2006

A *BILL to amend and reenact § 65.2-812 of the Code of Virginia, relating to workers' compensation; effect of waiver of subrogation rights.*

Patron—Bell

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-812 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-812. Subrogation of insurance carrier to employer's rights; compromise.

A. When any employer is insured against liability for compensation with an insurance carrier, and such insurance carrier shall have paid any compensation for which the employer is liable or shall have assumed the liability of the employer therefor, it shall be subrogated to all the rights and duties of the employer and may enforce any such rights in its own name or in the name of the injured employee or his personal representative; however, nothing herein shall be construed as conferring upon the insurance carriers any other or further rights than those existing in the employer at the time of the injury to his employee, anything in the policy of insurance to the contrary notwithstanding. No compromise settlement shall be made by the insurance carrier in the exercise of such right of subrogation without the approval of the Workers' Compensation Commission and the injured employee or the personal representative or dependents of the deceased employee being first obtained.

B. *The employer's workers' compensation premium shall not be adversely affected by the existence of a compromise settlement between the insurance carrier and the injured employee, his personal representative or a person acting on behalf of the employee, in which the insurance carrier has agreed to waive its right of subrogation as to any amount that could have otherwise been recovered.*

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