

2013 SESSION

HOUSE SUBSTITUTE

13104004D

HOUSE BILL NO. 1305

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on January 17, 2013)

(Patron Prior to Substitute—Delegate Habeeb)

A BILL to amend and reenact § 65.2-105 of the Code of Virginia, relating to workers' compensation; presumption; injuries in course of employment.

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-105 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-105. Presumption that certain injuries arose out of and in the course of employment.

In any claim for compensation, where the employee is physically or mentally unable to testify as confirmed by competent medical evidence and where there is ~~unrebutted prima facie evidence that indicates that the injury~~ the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and was in the course of employment, it shall be presumed; ~~in the absence of the accident arose out of and in the course of employment, unless such presumption is overcome by a preponderance of competent evidence to the contrary; that the injury arose out of and was in the course of employment.~~

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