

2013 SESSION

INTRODUCED

13102062D

HOUSE BILL NO. 1434

Offered January 9, 2013

Prefiled December 20, 2012

A BILL to amend the Code of Virginia by adding a section numbered 8.01-419.2, relating to wrongful death and personal injury actions; future wages presumption.

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-419.2 as follows:

§ 8.01-419.2. *Presumption regarding future wages of certain individuals; wrongful death or personal injury.*

A. In any action for the personal injury or wrongful death of a person who, at the time of the injury or death, was an infant or was at least 18 years of age but less than 24 years of age and was enrolled as a full-time student in a secondary or postsecondary school or other educational institution, there shall be a rebuttable presumption that the person would have earned wages during his lifetime at the minimum wage rate established by the U.S. Fair Labor Standards Act (29 U.S.C. § 201 et seq.) in effect at the time the action was filed. For purposes of this presumption, wages shall be calculated based on 40 hours of work per week for the person starting from (i) age 19, if the person was an infant, or (ii) age 24, if the person was at least 18 years of age but less than 24 years of age and was enrolled as a full-time student, and continuing until the person would have been 62 years of age.

B. The presumption set forth in this section may be rebutted by either party by evidence demonstrating that the person would have earned wages in an amount different than the minimum wage rate during his lifetime.

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