

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-902 of the Code of Virginia, relating to failure to make reports;*  
3 *assessments of civil penalties by the Virginia Workers' Compensation Commission.*

4 [H 456]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-902 of the Code of Virginia is amended and reenacted as follows:**8 **§ 65.2-902. Failure to make required reports; civil penalty.**

9 A. Any employer, *insurance carrier, self-insurer, group self-insurance association, or third party*  
10 *administrator* who fails to make any report required by the Commission pursuant to this title shall be  
11 assessed a civil penalty of not more than \$500 for each failure. If the Commission determines that any  
12 such failure is willful, it shall assess a civil penalty of not less than \$500 and not more than \$5,000.  
13 The civil penalty herein provided may be assessed by the Commission in an open hearing with the right  
14 of review and appeal as in other cases. ~~In the event the employer has transmitted the report to the~~  
15 ~~insurance carrier or third party administrator for transmission to the Commission, the insurance carrier or~~  
16 ~~third party administrator failing to transmit the report shall be liable for the civil penalty.~~

17 B. Any civil penalty assessed pursuant to this section shall be *divided equally between and* paid into  
18 *the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.) and the Uninsured Employer's*  
19 *Fund established in Chapter 12 (§ 65.2-1200 et seq.) of this title. The Commission may add the costs of*  
20 *collection of such civil penalty to the aggregate civil penalty owed, in which event such costs shall be*  
21 *paid into the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.).*

ENROLLED

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