

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-105 of the Code of Virginia, relating to workers' compensation;*
3 *presumption; injuries in course of employment.*

4
5 Approved

[H 44]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 65.2-105. Presumption that certain injuries arose out of and in the course of employment.**

9 In any claim for compensation, where the employee (i) is physically or mentally unable to testify as
10 confirmed by competent medical evidence, (ii) *dies with there being no evidence that he ever regained*
11 *consciousness after the accident, (iii) dies at the accident location or nearby, or (iv) is found dead*
12 *where he is reasonably expected to be as an employee, and where the factual circumstances are of*
13 *sufficient strength from which the only rational inference to be drawn is that the accident arose out of*
14 *and in the course of employment, it shall be presumed the accident arose out of and in the course of*
15 *employment, unless such presumption is overcome by a preponderance of competent evidence to the*
16 *contrary.*

ENROLLED

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