

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-713 of the Code of Virginia, relating to workers' compensation;*  
3 *costs.*

4 [H 2296]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-713 of the Code of Virginia is amended and reenacted as follows:**

8 § 65.2-713. Costs.

9 A. If the Commission or any court before whom any proceedings are brought or defended by the  
10 employer or insurer under this title shall determine that such proceedings have been brought, prosecuted,  
11 or defended without reasonable grounds, it may assess against the employer or insurer who has so  
12 brought, prosecuted, or defended them the whole cost of the proceedings, including a reasonable  
13 attorney's fee, to be fixed by the Commission.

14 B. Where the Commission finds that an employer or insurer has delayed payment without reasonable  
15 grounds, it may assess against the employer or insurer the whole cost of the proceedings, including a  
16 reasonable attorney's fee to be fixed by the Commission. In such a case where an attorney's fee is  
17 awarded against the employer or insurer, the Commission shall calculate and add to any award made to  
18 the claimant interest at the judgment rate, as set forth in § 6.1-330.54, on the benefits accrued from the  
19 date the Commission determined the award should have been paid through the date of the award.

20 C. *Where the Commission finds that an employer or insurer has filed an application for a hearing in*  
21 *bad faith, it shall assess against the employer or an insurer an amount up to ten percent of the total*  
22 *amount of the benefits accrued from the date the Commission determined the award should have been*  
23 *paid through the date of the award. This payment shall be in addition to any costs, fees, or awards as*  
24 *set forth in subsection B.*

ENROLLED

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