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## 1 SENATE BILL NO. 771

2 Offered January 22, 2026

3 A BILL to amend and reenact § 65.2-512 of the Code of Virginia, relating to workers' compensation; burial  
4 expenses; annual adjustment.

5 Patron—McPike

6 Referred to Committee on Commerce and Labor

## 7 Be it enacted by the General Assembly of Virginia:

## 8 1. That § 65.2-512 of the Code of Virginia is amended and reenacted as follows:

## 9   § 65.2-512. Compensation to dependents of an employee killed; burial expenses.

10 A. Except as provided in subsections F, G and H, if death results from the accident within nine years, the  
11 employer shall pay, or cause to be paid, compensation in weekly payments equal to 66 and two-thirds percent  
12 of the employee's average weekly wages, but not more than 100 percent of the average weekly wage of the  
13 Commonwealth as defined in § 65.2-500 nor less than 25 percent of the average weekly wage as defined  
14 therein:15   1. To those persons presumed to be wholly dependent upon the deceased employee as set forth in  
16 subdivisions A 1 and 2 of § 65.2-515, for a period of 500 weeks from the date of injury; or17   2. If there are no total dependents pursuant to subdivision A 1 or 2 of § 65.2-515, to those persons  
18 presumed to be wholly dependent as set forth in subdivision A 3 of § 65.2-515, and to those determined to be  
19 wholly dependent in fact, for a period of 400 weeks from the date of injury; or20   3. If there are no total dependents, to partial dependents in fact, for a period of 400 weeks from the date of  
21 injury.22   B. The employer shall also pay burial expenses not exceeding \$10,000 \$15,000 and reasonable  
23 transportation expenses for the deceased not exceeding \$1,000. Beginning January 1, 2028, and annually  
24 thereafter, the Commissioner shall adjust the amount of burial expenses and reasonable transportation  
25 expenses required under this subsection by a percentage of such amount that is equal to the percentage by  
26 which the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as  
27 published by the Bureau of Labor Statistics of the U.S. Department of Labor, or a successor index as  
28 calculated by the U.S. Department of Labor, has increased during the most recent calendar year for which  
29 such information is available. The amount of each such annual adjustment shall not be less than zero.30   C. Benefits shall be divided equally among total dependents, to the exclusion of partial dependents. If  
31 there are no total dependents, benefits shall be divided among partial dependents according to the dependency  
32 of each upon the earnings of the employee at the time of the injury, in the proportion that partial dependency  
33 bears to total dependency.34   D. If benefits are terminated as to any member of a class herein, that member's share shall be divided  
35 among the remaining members of the class proportionately according to their dependency.36   E. When weekly payments have been made to an injured employee before his death, the compensation to  
37 dependents shall begin from the date of the last of such payments but shall not continue for a period longer  
38 than specified in subsection A.39   F. No benefits shall be paid pursuant to this section to the dependents of an AmeriCorps member as  
40 defined in subdivision 1 r of the definition of "employee" in § 65.2-101.41   G. No benefits shall be paid pursuant to subsection A, C, D, or E to the dependents of a Food Stamp  
42 recipient participating in the work experience component of the Food Stamp Employment and Training  
43 Program as defined in subdivision 1 s of the definition of "employee" in § 65.2-101.44   H. No benefits shall be paid pursuant to subsection A, C, D, or E to the dependents of a Temporary  
45 Assistance for Needy Families recipient participating in the work experience component of the Virginia  
46 Initiative for Education and Work as defined in subdivision 1 t of the definition of "employee" in § 65.2-101.

INTRODUCED

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