

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 65.2-512 of the Code of Virginia, relating to workers' compensation; burial expenses; annual adjustment.

[S 771]

Approved

Be it enacted by the General Assembly of Virginia:

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

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

A. Except as provided in subsections F, G and H, if death results from the accident within nine years, the employer shall pay, or cause to be paid, compensation in weekly payments equal to 66 and two-thirds percent of the employee's average weekly wages, but not more than 100 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500 nor less than 25 percent of the average weekly wage as defined therein:

1. To those persons presumed to be wholly dependent upon the deceased employee as set forth in subdivisions A 1 and 2 of § 65.2-515, for a period of 500 weeks from the date of injury; or

2. If there are no total dependents pursuant to subdivision A 1 or 2 of § 65.2-515, to those persons presumed to be wholly dependent as set forth in subdivision A 3 of § 65.2-515, and to those determined to be wholly dependent in fact, for a period of 400 weeks from the date of injury; or

3. If there are no total dependents, to partial dependents in fact, for a period of 400 weeks from the date of injury.

B. The employer shall also pay burial expenses not exceeding \$10,000 \$15,000 and reasonable transportation expenses for the deceased not exceeding \$1,000. Beginning January 1, 2028, and annually thereafter, the Commissioner shall adjust the amount of burial expenses and reasonable transportation expenses required under this subsection by a percentage of such amount that is equal to the percentage by which the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or a successor index as calculated by the U.S. Department of Labor, has increased during the most recent calendar year for which such information is available. The amount of each such annual adjustment shall not be less than zero.

C. Benefits shall be divided equally among total dependents, to the exclusion of partial dependents. If there are no total dependents, benefits shall be divided among partial dependents according to the dependency of each upon the earnings of the employee at the time of the injury, in the proportion that partial dependency bears to total dependency.

D. If benefits are terminated as to any member of a class herein, that member's share shall be divided among the remaining members of the class proportionately according to their dependency.

E. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments but shall not continue for a period longer than specified in subsection A.

F. No benefits shall be paid pursuant to this section to the dependents of an AmeriCorps member as defined in subdivision 1 r of the definition of "employee" in § 65.2-101.

G. No benefits shall be paid pursuant to subsection A, C, D, or E to the dependents of a Food Stamp recipient participating in the work experience component of the Food Stamp Employment and Training Program as defined in subdivision 1 s of the definition of "employee" in § 65.2-101.

H. No benefits shall be paid pursuant to subsection A, C, D, or E to the dependents of a Temporary Assistance for Needy Families recipient participating in the work experience component of the Virginia Initiative for Education and Work as defined in subdivision 1 t of the definition of "employee" in § 65.2-101.