

By: Thompson of Harris

H.B. No. 3158

A BILL TO BE ENTITLED

AN ACT

relating to standing for receipt of exemplary damages based on a compensable death under the Texas Workers' Compensation Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 408.001(b) and (c), Labor Code, are amended to read as follows:

(b) This section does not prohibit the recovery of exemplary damages by the surviving spouse, parents, or heirs of the body of a deceased employee whose death was caused by an intentional act or omission of the employer or by the employer's gross negligence. The surviving spouse, parents, and heirs of the body of the deceased employee may bring the action or one or more of those individuals may bring the action for the benefit of all.

(c) In this section:

(1) "Gross[~~,"~~ "gross] negligence" has the meaning assigned by Section 41.001, Civil Practice and Remedies Code.

(2) "Parent" includes an adoptive parent or a stepparent. The term does not include a parent whose parental rights have been terminated.

SECTION 2. The change in law made by this Act applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the

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1 compensable injury occurred, and the former law is continued in
2 effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2021.