

By: Canales

H.B. No. 2314

A BILL TO BE ENTITLED

AN ACT

1
2 relating to filing death benefits claims under the workers'
3 compensation system.

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

5 SECTION 1. Section 408.182(d-2), Labor Code, is amended to
6 read as follows:

7 (d-2) Except as otherwise provided by this subsection, to be
8 eligible to receive death benefits under Subsection (d-1), an
9 eligible parent must file with the division or insurance carrier a
10 claim for those benefits not later than the first anniversary of the
11 date of the injured employee's death from the compensable injury.
12 The claim must designate all eligible parents and necessary
13 information for payment to the eligible parents. The insurance
14 carrier is not liable for payment to any eligible parent not
15 designated on the claim. Failure to file a claim in the time
16 required bars the claim unless good cause exists for the failure to
17 file a claim under this section.

18 SECTION 2. Section 409.007, Labor Code, is amended by
19 amending Subsection (a) and adding Subsection (d) to read as
20 follows:

21 (a) A person must file a claim for death benefits with the
22 division or insurance carrier not later than the first anniversary
23 of the date of the employee's death.

24 (d) If a person files a claim for death benefits with an

1 insurance carrier, at the time the carrier receives the claim the
2 carrier shall, in the form and manner prescribed by the division:

3 (1) create and maintain a record documenting receipt
4 of the claim; and

5 (2) provide written notice to the division that the
6 person filed the claim.

7 SECTION 3. The commissioner of worker's compensation shall
8 adopt rules as necessary to implement the changes in law made by
9 this Act.

10 SECTION 4. The changes in law made by this Act apply to a
11 claim for death benefits filed on or after the effective date of
12 this Act. A claim for death benefits filed before that date is
13 covered by the law in effect on the date the claim was filed, and the
14 former law is continued in effect for that purpose.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.