

Amend SB 1952, on third reading, as follows:

(1) On page 1 of the bill, between lines 5 and 6, insert the following new SECTIONS:

SECTION 1. Section 408.221, Labor Code, is amended by amending Subsection (f) to read as follows:

(f) Subject to Section 408.223, the [The] commission by rule shall provide guidelines for maximum attorney's fees for specific services in accordance with this section.

SECTION 2. Section 408.222, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) An attorney's fee determined under this section is subject to Section 408.223.

SECTION 3. Subchapter L, Chapter 408, Labor Code, is amended by adding Section 408.223 to read as follows:

Sec. 408.223. MAXIMUM HOURLY RATE FOR LEGAL FEES. (a) The maximum hourly rate for an attorney's fee subject to Section 408.221 or 408.222 is 35 percent of the state average weekly wage.

(b) The maximum hourly rate for a legal assistant's fee subject to Section 408.221 or 408.222 is 12 percent of the state average weekly wage.

(c) For purposes of this subsection, "state average weekly wage" means the wage computed under Section 408.047.

(2) On page 1 of the bill, line 6, strike "SECTION 1" and substitute "SECTION 4".

(3) On page 1 of the bill, line 21, strike "SECTION 2. This" and substitute "SECTION 5. (a) Except as provided by Subsection (b) of this section, this".

(4) On page 2 of the bill, insert the following immediately after line 1:

(b) Sections 1-3 of this Act take effect September 1, 2003, and apply only to legal fees for a claim for workers' compensation benefits based on a compensable injury that occurs on or after that date. Legal fees for a claim based on a compensable injury that occurs before that date are governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.