

BILL ANALYSIS

H.B. 145
By: Solomons
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a claimant may sue an insurance carrier to enforce compliance with a final order or decision rendered by the Texas Workers' Compensation Commission (TWCC). Current law also provides for an administrative penalty for failure to comply with an order from TWCC. These provisions may not be effective due to delays and litigation costs the claimant incurs and the lack of enforcement by the court system. Despite being authorized to issue interlocutory orders by the 76th Legislature, TWCC's authority may have been limited due to the language of the law. House Bill 145 clarifies TWCC's authority to enforce its orders.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 410.208

House Bill 145 amends the Labor Code to provide that if a person refuses or fails to comply with an interlocutory order, final order, or decision (order) of the Texas Workers' Compensation Commission (TWCC), TWCC is authorized to bring suit in Travis County to enforce the order or decision. If TWCC brings suit to enforce an order, TWCC is entitled to reasonable attorney's fees and costs for the prosecution and collection of the claim, in addition to a judgment enforcing the order and any other remedy provided by law. The bill clarifies that a claimant also has the right to litigate to enforce an interlocutory order, since the 76th Legislature allowed TWCC to issue interlocutory orders and a claimant currently has the right to sue to enforce all other TWCC orders.

SECTION 410.253

The bill requires a party seeking judicial review to simultaneously file a copy of the party's petition with the court, serve any opposing party to the suit, and provide written notice of the suit or notice of appeal to TWCC. A party is prohibited from seeking judicial review unless the party has provided the required written notice of the suit to TWCC.

SECTION 410.256 (f) and 410.257(e)

The bill provides that settlement of a claim or issue or a judgment based on default or an agreement of the parties does not constitute a modification or reversal of the decision awarding benefits for the purpose of reimbursement for overpayment.

EFFECTIVE DATE

September 1, 2003. This amendment would apply only to proceedings that are initiated on or after the effective date.

