

By: Solomons

H.B. No. 145

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation dispute resolution.

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

SECTION 1. Section 410.208, Labor Code, is amended to read as follows:

Sec. 410.208. JUDICIAL ENFORCEMENT OF ORDER OR DECISION; ADMINISTRATIVE VIOLATION. (a) If a person refuses or fails to comply with an interlocutory order, final order, or decision of the commission, the commission may bring suit in Travis County to enforce the order or decision.

(b) If an insurance carrier refuses or fails to comply with an interlocutory order, a final order, or a decision of the commission, the claimant may bring suit in the county of the claimant's residence or the county in which the injury occurred to enforce the order or decision ~~[award as a final and binding order of the commission]~~.

(c) If the commission brings suit to enforce an interlocutory order, final order, or decision of the commission, the commission 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 or decision and any other remedy provided by law.

(d) A ~~[(b) In addition to a judgment enforcing the order, the]~~ claimant who brings suit to enforce an interlocutory order,

1 final order, or decision of the commission is entitled to a penalty
2 equal to 12 percent of the amount of benefits recovered in the
3 judgment, ~~and~~ interest, and ~~with~~ reasonable attorney's fees for
4 the prosecution and collection of the claim, in addition to a
5 judgment enforcing the order or decision.

6 (e) ~~(c)~~ A person commits a violation if the person fails
7 or refuses to comply with an interlocutory order, final order, or
8 decision of the commission ~~[a commission order or decision]~~ within
9 20 days after the date the order or decision becomes final. A
10 violation under this subsection is a Class A administrative
11 violation.

12 SECTION 2. Section 410.253, Labor Code, is amended to read
13 as follows:

14 Sec. 410.253. SERVICE; NOTICE. (a) A party seeking judicial
15 review shall simultaneously:

16 (1) file a [A] copy of the party's petition ~~[shall be~~
17 ~~simultaneously filed]~~ with the court;

18 (2) serve ~~[and the commission and served on]~~ any
19 opposing party to the suit; and

20 (3) provide written notice of the suit or notice of
21 appeal to the commission.

22 (b) A party may not seek judicial review under Section
23 410.251 unless the party has provided written notice of the suit to
24 the commission as required by this section.

25 SECTION 3. Section 410.256(f), Labor Code, is amended to
26 read as follows:

27 (f) Settlement of a claim or issue under this section does

1 not constitute a modification or reversal of the [~~appeals panel~~]
2 decision awarding benefits for the purpose of Section 410.209
3 [~~410.205~~].

4 SECTION 4. Section 410.257(e), Labor Code, is amended to
5 read as follows:

6 (e) A judgment under this section based on default or on an
7 agreement of the parties does not constitute a modification or
8 reversal of a [~~an appeals panel~~] decision awarding benefits for the
9 purpose of Section 410.209 [~~410.205~~].

10 SECTION 5. (a) This Act takes effect September 1, 2003.

11 (b) The change in law made by this Act applies only to a
12 workers' compensation proceeding initiated on or after the
13 effective date of this Act. A proceeding initiated before the
14 effective date of this Act is governed by the law in effect on the
15 date the proceeding was initiated, and the former law is continued
16 in effect for that purpose.