

1-1 By: Solomons (Senate Sponsor - Fraser) H.B. No. 145
1-2 (In the Senate - Received from the House May 19, 2003;
1-3 May 20, 2003, read first time and referred to Committee on State
1-4 Affairs; May 22, 2003, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to workers' compensation dispute resolution.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 410.208, Labor Code, is amended to read
1-11 as follows:

1-12 Sec. 410.208. JUDICIAL ENFORCEMENT OF ORDER OR DECISION;
1-13 ADMINISTRATIVE VIOLATION. (a) If a person refuses or fails to
1-14 comply with an interlocutory order, final order, or decision of the
1-15 commission, the commission may bring suit in Travis County to
1-16 enforce the order or decision.

1-17 (b) If an insurance carrier refuses or fails to comply with
1-18 an interlocutory order, a final order, or a decision of the
1-19 commission, the claimant may bring suit in the county of the
1-20 claimant's residence or the county in which the injury occurred to
1-21 enforce the order or decision [~~award as a final and binding order of~~
1-22 ~~the commission~~].

1-23 (c) If the commission brings suit to enforce an
1-24 interlocutory order, final order, or decision of the commission,
1-25 the commission is entitled to reasonable attorney's fees and costs
1-26 for the prosecution and collection of the claim, in addition to a
1-27 judgment enforcing the order or decision and any other remedy
1-28 provided by law.

1-29 (d) A [~~(b)~~ ~~In addition to a judgment enforcing the order,~~
1-30 ~~the] claimant who brings suit to enforce an interlocutory order,
1-31 final order, or decision of the commission is entitled to a penalty
1-32 equal to 12 percent of the amount of benefits recovered in the
1-33 judgment, [and] interest, and [with] reasonable attorney's fees for
1-34 the prosecution and collection of the claim, in addition to a
1-35 judgment enforcing the order or decision.~~

1-36 (e) [~~(c)~~] A person commits a violation if the person fails
1-37 or refuses to comply with an interlocutory order, final order, or
1-38 decision of the commission [~~a commission order or decision~~] within
1-39 20 days after the date the order or decision becomes final. A
1-40 violation under this subsection is a Class A administrative
1-41 violation.

1-42 SECTION 2. Section 410.253, Labor Code, is amended to read
1-43 as follows:

1-44 Sec. 410.253. SERVICE; NOTICE. (a) A party seeking judicial
1-45 review shall simultaneously:

1-46 (1) file a [A] copy of the party's petition [~~shall be~~
1-47 ~~simultaneously filed~~] with the court;

1-48 (2) serve [~~and the commission and served on~~] any
1-49 opposing party to the suit; and

1-50 (3) provide written notice of the suit or notice of
1-51 appeal to the commission.

1-52 (b) A party may not seek judicial review under Section
1-53 410.251 unless the party has provided written notice of the suit to
1-54 the commission as required by this section.

1-55 SECTION 3. Section 410.256(f), Labor Code, is amended to
1-56 read as follows:

1-57 (f) Settlement of a claim or issue under this section does
1-58 not constitute a modification or reversal of the [~~appeals panel~~]
1-59 decision awarding benefits for the purpose of Section 410.209
1-60 [~~410.205~~].

1-61 SECTION 4. Section 410.257(e), Labor Code, is amended to
1-62 read as follows:

1-63 (e) A judgment under this section based on default or on an
1-64 agreement of the parties does not constitute a modification or

2-1 reversal of a [~~an appeals panel~~] decision awarding benefits for the
2-2 purpose of Section 410.209 [~~410.205~~].

2-3 SECTION 5. (a) This Act takes effect September 1, 2003.

2-4 (b) The change in law made by this Act applies only to a
2-5 workers' compensation proceeding initiated on or after the
2-6 effective date of this Act. A proceeding initiated before the
2-7 effective date of this Act is governed by the law in effect on the
2-8 date the proceeding was initiated, and the former law is continued
2-9 in effect for that purpose.

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