

By: Oliveira

H.B. No. 2098

A BILL TO BE ENTITLED

AN ACT

relating to political subdivision workers compensation purposes.

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

SECTION 1. Section 504.002, Labor Code, is amended to read as follows:

Sec. 504.002. APPLICATION OF GENERAL WORKERS' COMPENSATION LAWS; LIMIT ON ACTIONS AND DAMAGES. (a) The following provisions of Subtitles A and B apply to and are included in this chapter except to the extent that they are inconsistent with this chapter:

(1) Chapter 491 other than Section 401.011(18) defining "employer" and Section 401.012 defining "employee";

(2) Chapter 402;

(3) Chapter 403 other than Sections 403.001-403.005;

(4) Sections 406.006-406.009 and Subchapters B and D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035, 406.091, and 406.096;

(5) Chapter 408, other than Sections 408.001(b) and (c);

(6) Chapter 409, except as provided under subsection (c);

(7) Chapters 410-417 [~~409-417~~]; and

(8) [~~(7)~~] Chapter 451.

(b) For the purpose of applying the provisions listed by Subsections (a) to this chapter, "employer" means "political

1 subdivision". For the purpose of applying the provisions listed by
2 Subsection (a) of this section "written notice" to a political
3 subdivision who self-insures, either individually or collectively
4 through an interlocal agreement as provided by section 504.011 of
5 this title, shall occur only when written notice is given to the
6 intergovernmental risk pool or other entity responsible for
7 administering the claim.

8 (c) A political subdivision that self-insures, either
9 individually or collectively through an interlocal agreement which
10 fails to begin the timely payment of benefits or file a notice of
11 refusal before benefits should have started does not waive the
12 political subdivisions right to contest the compensability of the
13 injury but shall pay to the injured employee double the amount due
14 for the days delinquent as penalty.

15 (d) Neither this chapter nor Subtitle A authorizes a cause
16 of action or damages against a political subdivision or an employee
17 of a political subdivision beyond the actions and damages
18 authorized by Chapter 101, Civil Practice and Remedies Code.