

By: Stick

H.B. No. 2406

Substitute the following for H.B. No. 2406:

By: Elkins

C.S.H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to computation of certain legal fees in workers'  
3 compensation benefit matters.

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

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

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

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

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

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

16 Sec. 408.223. MAXIMUM HOURLY RATE FOR LEGAL FEES. (a) The  
17 maximum hourly rate for an attorney's fee subject to Section  
18 408.221 or 408.222 is 35 percent of the state average weekly wage.

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

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

24 SECTION 4. This Act takes effect September 1, 2003, and

1 applies only to legal fees for a claim for workers' compensation  
2 benefits based on a compensable injury that occurs on or after that  
3 date. Legal fees for a claim based on a compensable injury that  
4 occurs before that date are governed by the law in effect on the  
5 date that the compensable injury occurred, and the former law is  
6 continued in effect for that purpose.