

By: Delisi

H.B. No. 3468

A BILL TO BE ENTITLED

1 AN ACT

2 relating to standing for receipt of certain damages based on a death  
3 caused by a compensable injury.

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

5 SECTION 1. Sections 408.001(b) and (c), Labor Code, are  
6 amended to read as follows:

7 (b) This section does not prohibit the recovery of exemplary  
8 damages by the surviving spouse, parents, or heirs of the body of a  
9 deceased employee whose death was caused by an intentional act or  
10 omission of the employer or by the employer's gross negligence. The  
11 surviving spouse, parents, and heirs of the body of the deceased  
12 employee may bring the action or one or more of those individuals  
13 may bring the action for the benefit of all.

14 (c) In this section:

15 (1) "Gross[~~,"~~ "gross] negligence" has the meaning  
16 assigned by Section 41.001, Civil Practice and Remedies Code.

17 (2) "Parent" means the mother or the father of a  
18 deceased employee, and includes an adoptive parent or a stepparent.  
19 The term does not include a parent whose parental rights have been  
20 terminated.

21 SECTION 2. The change in law made by this Act applies only  
22 to a claim for workers' compensation benefits based on a  
23 compensable injury that occurs on or after the effective date of  
24 this Act. A claim based on a compensable injury that occurs before

1 that date is governed by the law in effect on the date that the  
2 compensable injury occurred, and the former law is continued in  
3 effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2007.