

By: Delisi

H.B. No. 3823

Substitute the following for H.B. No. 3823:

By: Bohac

C.S.H.B. No. 3823

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eligibility for workers' compensation death benefits
3 based on a compensable injury.

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

5 SECTION 1. Section 408.182, Labor Code, is amended by
6 adding Subsections (d-1) and (d-2) to read as follows:

7 (d-1) If there is no eligible spouse, no eligible child, and
8 no eligible grandchild, and there are no surviving dependents of
9 the deceased employee who are parents, siblings, or grandparents of
10 the deceased, the death benefits shall be paid in equal shares to
11 surviving eligible parents of the deceased. A payment of death
12 benefits made under this subsection may not exceed one payment per
13 household.

14 (d-2) Except as otherwise provided by this subsection, to
15 be eligible to receive death benefits under Subsection (d-1), an
16 eligible parent must file with the division a claim for those
17 benefits not later than the first anniversary of the date of the
18 injured employee's death from the compensable injury. The
19 commissioner may extend the time for filing a claim under this
20 subsection only if the eligible parent submits proof satisfactory
21 to the commissioner of a compelling reason for the delay.

22 SECTION 2. Section 408.182(f), Labor Code, is amended by
23 adding Subdivision (4) to read as follows:

24 (4) "Eligible parent" means the mother or the father

1 of a deceased employee, including an adoptive parent or a
2 stepparent, who receives burial benefits under Section 408.186.
3 The term does not include a parent whose parental rights have been
4 terminated.

5 SECTION 3. Section 408.183, Labor Code, is amended by
6 adding Subsection (f-1) to read as follows:

7 (f-1) An eligible parent who is not a surviving dependent of
8 the deceased employee is entitled to receive death benefits until
9 the earlier of:

10 (1) the date the eligible parent dies; or

11 (2) the date of the expiration of 104 weeks of death
12 benefit payments.

13 SECTION 4. The change in law made by this Act applies only
14 to a claim for workers' compensation benefits based on a
15 compensable injury that occurs on or after the effective date of
16 this Act. A claim based on a compensable injury that occurs before
17 that date is governed by the law in effect on the date that the
18 compensable injury occurred, and the former law is continued in
19 effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2007.