

By: Delisi

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 Subsection (d-1) 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.

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

14 (4) "Eligible parent" means the mother or the father  
15 of a deceased employee and includes an adoptive parent or a  
16 stepparent. The term does not include a parent whose parental  
17 rights have been terminated.

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

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

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

24 (2) the date of the expiration of 104 weeks of death

1 benefit payments.

2           SECTION 4. The change in law made by this Act applies only  
3 to a claim for workers' compensation benefits based on a  
4 compensable injury that occurs on or after the effective date of  
5 this Act. A claim based on a compensable injury that occurs before  
6 that date is governed by the law in effect on the date that the  
7 compensable injury occurred, and the former law is continued in  
8 effect for that purpose.

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