

By: Deshotel

H.B. No. 4398

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation supplemental income benefits.

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

SECTION 1. Section 408.142(a), Labor Code, is amended to read as follows:

(a) An employee is entitled to supplemental income benefits if    on the expiration of the impairment income benefit period computed under Section 408.121(a)(1)    the employee:

(1) has an impairment rating of 10 [~~15~~] percent or more as determined by this subtitle from the compensable injury;

(2) has not returned to work or has returned to work earning less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment;

(3) has not elected to commute a portion of the impairment income benefit under Section 408.128; and

(4) has complied with the requirements adopted under Section 408.1415.

SECTION 2. The change in law made by this Act applies only to a claim for workers' compensation supplemental income benefits based on an impairment rating for a compensable injury that is determined under Chapter 408, Labor Code, on or after the effective date of this Act. A claim based on an impairment rating that is determined before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.