

By: Giddings

H.B. No. 1870

Substitute the following for H.B. No. 1870:

By: Cook

C.S.H.B. No. 1870

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to judicial review in district court of certain workers'  
3 compensation disputes.

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

5 SECTION 1. Section 410.252(d), Labor Code, is amended to  
6 read as follows:

7 (d) If a suit is initially filed within the 45-day [~~40-day~~]  
8 period in Subsection (a), and is transferred under Subsection (c),  
9 the suit is considered to be timely filed in the court to which it is  
10 transferred.

11 SECTION 2. Section 413.0311(d), Labor Code, is amended to  
12 read as follows:

13 (d) A party who has exhausted all administrative remedies  
14 under Section 413.031 and this section and who is aggrieved by a  
15 final decision of the hearings officer under Subsection (c) may  
16 seek judicial review of the decision. Judicial review under this  
17 subsection shall be conducted in the manner provided for judicial  
18 review of a contested case under Subchapter G, Chapter 2001,  
19 Government Code, except that the party seeking judicial review  
20 under this section must file suit not later than the 45th day after  
21 the date on which the division mailed the party the decision of the  
22 hearings officer. For purposes of this subsection, the mailing  
23 date is considered to be the fifth day after the date the decision  
24 of the hearings officer was filed with the division.

1           SECTION 3. The change in law made by this Act applies only  
2 to a suit for judicial review filed on or after the effective date  
3 of this Act. A suit for judicial review filed before the effective  
4 date of this Act is covered by the law as it existed on the date the  
5 suit was filed, and the former law is continued in effect for that  
6 purpose.

7           SECTION 4. This Act takes effect September 1, 2011.