

By: Giddings

H.B. No. 1871

Substitute the following for H.B. No. 1871:

By: Cook

C.S.H.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to the amount and payment of attorney's fees in certain workers' compensation cases.

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

SECTION 1. Section 408.203(a), Labor Code, is amended to read as follows:

(a) An income or death benefit is subject only to the following lien or claim, to the extent the benefit is unpaid on the date the insurance carrier receives written notice of the lien or claim, in the following order of priority:

(1) an attorney's fee for representing an employee or legal beneficiary in a matter arising under this subtitle, payment of which must be made in proportionate shares to each attorney with an outstanding lien if more than one attorney has an outstanding lien;

(2) court-ordered child support; or

(3) a subrogation interest established under this subtitle.

SECTION 2. Section 408.221(i), Labor Code, is amended to read as follows:

(i) Except as provided by Subsection (c) or Section 408.147(c), an attorney's fee or, if applicable, the aggregated fees of more than one attorney may not exceed 25 percent of the claimant's recovery.

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

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