

By: Coleman

H.B. No. 3495

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation death benefit eligibility for certain spouses of peace officers killed in the line of duty.

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

SECTION 1. Section 408.183, Labor Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an eligible spouse who remarried is eligible for death benefits if:

(1) the employee was a peace officer under Article 2.12, Code of Criminal Procedure, who was killed in the line of duty; and

(2) the spouse's remarriage ended as a result of divorce or death.

(b-2) Death benefits under Subsection (b-1) begin on the day after the date the remarriage ended and continue for life or until a subsequent remarriage. On subsequent remarriage, the eligible spouse is entitled to receive 104 weeks of death benefits, commuted as provided by commissioner rule.

SECTION 2. Section 408.184, Labor Code, is amended by adding Subsections (b-1) and (d) to read as follows:

(b-1) If a spouse described by Section 408.183(b-1) becomes eligible for benefits on the end of the spouse's remarriage, the spouse's benefits shall be resumed and the benefits payable to any other legal beneficiaries shall be adjusted accordingly.

1 (d) If, after the insurance carrier pays an amount to the
2 subsequent injury fund under Subsection (c), a spouse becomes
3 eligible for benefits under Section 408.183(b-1), the insurance
4 carrier may request reimbursement from the subsequent injury fund
5 for amounts paid to the spouse. The total reimbursement to the
6 insurance carrier under this subsection may not exceed the total
7 amount the insurance carrier paid to the subsequent injury fund for
8 that claim under Subsection (c).

9 SECTION 3. The changes in law made by this Act to Sections
10 408.183 and 408.184, Labor Code, apply only to a claim for workers'
11 compensation benefits based on a compensable injury that occurs on
12 or after the effective date of this Act. A claim based on a
13 compensable injury that occurs before that date is governed by the
14 law in effect on the date the compensable injury occurred, and the
15 former law is continued in effect for that purpose.

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