

By: Oliveira

H.B. No. 2727

A BILL TO BE ENTITLED

AN ACT

relating to consistency of venue for benefit disputes.

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

SECTION 1. Subchapter C, Section 413.0311 (d), Labor Code, is amended to read as follows:

(d) A party who has exhausted all administrative remedies under Section 413.031 and this section and who is aggrieved by a final decision of the hearings officer under Subsection (c) may seek judicial review of the decision. Except as provided by Section 413.0313, judicial ~~judicial~~ review under this subsection shall be conducted in the manner provided for judicial review of a contested case under Subchapter G, Chapter 2001, Government Code, except that the party seeking judicial review under this section must file suit not later than the 45th day after the date on which the division mailed the party the decision of the hearings officer. For purposes of this subsection, the mailing date is considered to be the fifth day after the date the decision of the hearings officer was filed with the division.

SECTION 2. Subchapter C, Chapter 413, Labor Code, is amended by adding Section 413.0313 to read as follows:

Sec. 413.0313. JUDICIAL REVIEW OF CERTAIN MEDICAL DISPUTES: VENUE. (a) The party bringing suit to appeal the decision must file a petition with the appropriate court:

(1) In the county where the employee resided at the

1 time of injury or death, if the employee is deceased; or

2 (2) In the case of an occupational disease, in the  
3 county where the employee resided on the date disability began or  
4 any county agreed to by the parties.

5 (b) If a suit under this section is filed in a county other  
6 than the county described by Subsection (a), the court, on  
7 determining that it does not have the jurisdiction to render  
8 judgment on the merits of the suit, shall transfer the case to a  
9 proper court in a county described by Subsection (a). Notice of the  
10 transfer of a suit shall be given to the parties. A suit transferred  
11 under this subsection shall be considered for all purposes the same  
12 as if originally filed in the court to which it is transferred.

13 (c) If a suit is initially filed within the 45-day period in  
14 Section 413.0311(d), and is transferred under Subsection (c), the  
15 suit is considered to be timely filed in the court to which it is  
16 transferred.

17 SECTION 3. The change in law made by this Act applies only  
18 to a suit for judicial review filed on or after the effective date  
19 of this Act. A suit for judicial review filed before the effective  
20 date of this Act is covered by the law as it existed on the date the  
21 suit was filed, and the former law is continued in effect for that  
22 purpose.

23 SECTION 4. This act takes effect September 1, 2013.