

By: Hinojosa

S.B. No. 1149

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 413.0311, Labor Code, is amended by  
6 amending Subsection (d) and adding Subsections (d-1) through (d-4)  
7 to read as follows:

8 (d) A party who has exhausted all administrative remedies  
9 under Section 413.031 and this section and who is aggrieved by a  
10 final decision of the hearings officer under Subsection (c) may  
11 seek judicial review of the decision. Except as otherwise provided  
12 by Subsections (d-1) through (d-4), judicial ~~judicial~~ review  
13 under this subsection shall be conducted in the manner provided for  
14 judicial review of a contested case under Subchapter G, Chapter  
15 2001, Government Code.

16 (d-1) A ~~[, except that the]~~ party may seek ~~[seeking]~~  
17 judicial review under this section by filing ~~[must file]~~ suit not  
18 later than the 45th day after the date on which the division mailed  
19 the party the decision of the hearings officer. For purposes of  
20 this subsection, the mailing date is considered to be the fifth day  
21 after the date the decision of the hearings officer was filed with  
22 the division.

23 (d-2) The party bringing suit to appeal the decision must  
24 file a petition with the appropriate court:

1           (1) in the county where the employee resided at the  
2 time of the injury or death, if the employee is deceased; or

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

6           (d-3) If a suit under this section is filed in a county other  
7 than the county described by Subsection (d-2), the court, on  
8 determining that it does not have jurisdiction to render judgment  
9 on the merits of the suit, shall transfer the case to a proper court  
10 in a county described by Subsection (d-2). Notice of the transfer  
11 of a suit shall be given to the parties. A suit transferred under  
12 this subsection shall be considered for all purposes the same as if  
13 originally filed in the court to which it is transferred.

14           (d-4) If a suit is initially filed within the 45-day period  
15 in Subsection (d-1), and is transferred under Subsection (d-3), the  
16 suit is considered to be timely filed in the court to which it is  
17 transferred.

18           SECTION 2. The change in law made by this Act applies only  
19 to a suit for judicial review filed on or after the effective date  
20 of this Act. A suit for judicial review filed before the effective  
21 date of this Act is covered by the law as it existed on the date the  
22 suit was filed, and the former law is continued in effect for that  
23 purpose.

24           SECTION 3. This Act takes effect September 1, 2013.