

By: Collier

H.B. No. 381

A BILL TO BE ENTITLED

AN ACT

relating to sovereign and governmental liability for workers' compensation benefits and related relief.

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

SECTION 1. Section 101.028, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.028. WORKERS' COMPENSATION [~~INSURANCE~~]. (a) With respect to a cause of action that is cognizable as a claim against a [A] governmental unit under Subtitle C, Title 5, Labor Code, the governmental unit [that has workers' compensation insurance or that accepts the workers' compensation laws of this state] is entitled to the privileges and immunities granted to the governmental unit under Subtitle C, Title 5, Labor Code, including any provision of [by] the workers' compensation laws of this state incorporated into a portion of that subtitle applicable to the governmental unit [to private individuals and corporations].

(b) Subject to the limitations on liability provided by Sections 101.023 and 101.024, a governmental unit is liable for workers' compensation benefits and any other relief, including awards, damages, penalties, cost-shifting or fee-shifting awards, and equitable relief, provided for by the provisions of Subtitle C, Title 5, Labor Code, applicable to the governmental unit, including any provision of the workers' compensation laws of this state incorporated into a portion of that subtitle applicable to the

1 governmental unit.

2 (c) Notwithstanding Section 101.025, sovereign or
3 governmental immunity from suit for liability provided by this
4 section is waived only to the extent suit is authorized by Subtitle
5 C, Title 5, Labor Code, or a provision of the workers' compensation
6 laws of this state incorporated into that subtitle.

7 (d) Nothing in this chapter, including the exclusions from
8 and exceptions to this chapter provided by Subchapter C, limits the
9 applicability of this section or Subtitle C, Title 5, Labor Code, to
10 a governmental unit or an injury.

11 (e) Subchapter D does not apply to a claim to which this
12 section applies.

13 SECTION 2. Section 504.053(e), Labor Code, is amended to
14 read as follows:

15 (e) Nothing in this section [~~chapter~~] waives sovereign
16 immunity or creates a new cause of action.

17 SECTION 3. The change in law made by this Act applies only
18 to an injury that occurs on or after the effective date of this Act.
19 An injury that occurs before the effective date of this Act is
20 governed by the law applicable to the injury immediately before the
21 effective date of this Act, and that law is continued in effect for
22 that purpose.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2017.