

By: Moody, Thompson of Harris, Dale,
King of Parker, Villalba, et al.

H.B. No. 451

A BILL TO BE ENTITLED

AN ACT

relating to waiver of immunity in certain employment discrimination actions in connection with a workers' compensation claim.

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

SECTION 1. Chapter 451, Labor Code, is amended by adding Section 451.0025 to read as follows:

Sec. 451.0025. WAIVER OF IMMUNITY; PERMISSION FOR FIRST RESPONDER TO SUE. (a) In this section, "first responder" has the meaning assigned by Section 421.095, Government Code.

(b) A first responder who alleges a violation of Section 451.001 by a state or local governmental entity that employs the first responder may sue the governmental entity for the relief provided by this chapter. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by this chapter.

(c) To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

SECTION 2. Section 504.002, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The following provisions of Subtitles A and B apply to and are included in this chapter except to the extent that they are inconsistent with this chapter:

1 (1) Chapter 401, other than Section 401.011(18)
2 defining "employer" and Section 401.012 defining "employee";

3 (2) Chapter 402;

4 (3) Chapter 403, other than Sections 403.001-403.005;

5 (4) Chapters 404 and 405;

6 (5) Sections 406.006-406.009 and Subchapters B and
7 D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035,
8 406.091, and 406.096;

9 (6) Chapter 408, other than Sections 408.001(b) and
10 (c);

11 (7) Chapters 409-412;

12 (8) Chapter 413, except as provided by Section
13 504.053;

14 (9) Chapters 414-417; and

15 (10) Chapter 451, subject to the limitations of
16 Subsection (a-1).

17 (a-1) The liability of a political subdivision under
18 Chapter 451 is limited to money damages in a maximum amount of
19 \$100,000 for each person aggrieved by and \$300,000 for each single
20 occurrence of a violation of that chapter. For purposes of this
21 subsection, a single occurrence is considered to be a single
22 employment policy or employment action that results in
23 discrimination against or discharge of one or more employees
24 concurrently.

25 SECTION 3. The change in law made by this Act applies only
26 to a cause of action that accrues on or after the effective date of
27 this Act. A cause of action that accrues before the effective date

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1 of this Act is governed by the law in effect on the date the cause of
2 action accrued, and the former law is continued in effect for that
3 purpose.

4 SECTION 4. This Act takes effect September 1, 2017.