

By: Vo

H.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

relating to suspending the statute of limitations in the Texas Unemployment Compensation Act during a lawsuit.

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

SECTION 1. Section 213.033, Labor Code, is amended to read as follows:

Sec. 213.033. LIMITATIONS. (a) The commission may not begin a civil action in court or make an assessment under this subchapter to collect a contribution, a penalty, or interest from an employer after the third anniversary after the due date of the contribution.

(b) The following actions suspend the running of the limitations period prescribed under Subsection (a):

(1) an administrative hearing to redetermine the liability for a contribution, a penalty, or interest pending before the commission; ~~and~~

(2) a judicial proceeding pending in a court of competent jurisdiction to redetermine the liability for a contribution, a penalty, or interest; and

~~(23)~~ a bankruptcy case begun under Title 11 of the United States Code pending before the court.

(c) After a hearing, judicial proceeding or case described by Subsection (b) is closed, the running of the limitations period prescribed under Subsection (a) resumes.

1           (d) In the case of a wilful attempt to evade the provisions  
2 of this subtitle or a commission rule adopted under this subtitle,  
3 the action or assessment may be begun or made at any time.

4           SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2017.