

By: Oliveira

H.B. No. 4039

Substitute the following for H.B. No. 4039:

By: Villalba

C.S.H.B. No. 4039

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the assessment of administrative penalties under the
3 Texas Workers' Compensation Act.

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

5 SECTION 1. Section [415.021](#), Labor Code, is amended by
6 amending Subsection (c) and adding Subsection (c-1) to read as
7 follows:

8 (c) In assessing an administrative penalty:

9 (1) the commissioner shall consider:

10 (A) the seriousness of the violation, including
11 the nature, circumstances, consequences, extent, and gravity of the
12 prohibited act;

13 (B) the history and extent of previous
14 administrative violations;

15 (C) the demonstrated good faith of the violator,
16 including actions taken to rectify the consequences of the
17 prohibited act;

18 (D) the penalty necessary to deter future
19 violations; ~~and~~

20 (E) whether the administrative violation has
21 negative impact on the delivery of benefits to an injured employee;

22 (F) the history of compliance with electronic
23 data interchange requirements; and

24 (G) other matters that justice may require; and

1 (2) the commissioner shall, to the extent reasonable,
2 consider the economic benefit resulting from the prohibited act.

3 (c-1) The commissioner shall adopt rules that require the
4 division, in the assessment of an administrative penalty against a
5 person, to communicate to the person information about the penalty,
6 including:

7 (1) the relevant statute or rule violated;

8 (2) the conduct that gave rise to the violation; and

9 (3) the factors considered in determining the penalty.

10 SECTION 2. Section 415.021(c), Labor Code, as amended by
11 this Act, applies only to an administrative violation that occurs
12 on or after the effective date of this Act.

13 SECTION 3. The commissioner of workers' compensation shall
14 adopt rules under Section 415.021(c-1), Labor Code, as added by
15 this Act, as soon as practicable after the effective date of this
16 Act.

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