

By: Hancock

S.B. No. 876

A BILL TO BE ENTITLED

AN ACT

relating to service and filing requirements for a party seeking
judicial review in certain workers' compensation cases.

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

SECTION 1. Section 410.253, Labor Code, is amended to read
as follows:

Sec. 410.253. SERVICE[~~, NOTICE~~]. (a) A party seeking
judicial review shall simultaneously:

- (1) file a copy of the party's petition with the court;
- (2) serve any opposing party to the suit; and
- (3) provide a copy [~~written notice~~] of the party's
petition [~~suit or notice of appeal~~] to the division.

(b) A party may not seek judicial review under Section
410.251 unless the party has provided the copy [~~written notice~~] of
the petition [~~suit~~] to the division under Subsection (a)(3) [~~as~~
~~required by this section~~].

SECTION 2. Section 410.258, Labor Code, is amended by
amending Subsection (a) and adding Subsections (a-1), (a-2), and
(a-3) to read as follows:

(a) The party who initiated a proceeding under this
subchapter or Subchapter G must file any proposed judgment or
settlement [~~made by the parties to the proceeding~~], including a
proposed default judgment or proposed agreed judgment, with the
division not later than the 30th day before the date on which the

1 court is scheduled to enter the judgment or approve the
2 settlement.

3 (a-1) If the terms of the proposed settlement or proposed
4 agreed judgment, including all payments to be made, are not
5 described in the proposed settlement or proposed agreed judgment,
6 the party must also file with the division at the time of filing the
7 proposed settlement or proposed agreed judgment a separate document
8 that fully describes the terms of the proposed settlement or
9 proposed agreed judgment.

10 (a-2) The proposed [~~judgment or~~] settlement or proposed
11 agreed judgment and any separate document described by Subsection
12 (a-1) must be mailed to the division by certified mail, return
13 receipt requested.

14 (a-3) The separate document filed with the division under
15 Subsection (a-1) is not subject to disclosure under Chapter 552,
16 Government Code.

17 SECTION 3. Section 410.253, Labor Code, as amended by this
18 Act, applies to a petition for judicial review filed on or after the
19 effective date of this Act.

20 SECTION 4. Section 410.258, Labor Code, as amended by this
21 Act, applies to a proposed judgment or settlement related to a
22 proceeding under Subchapter F or G, Chapter 410, Labor Code,
23 initiated on or after the effective date of this Act.

24 SECTION 5. This Act takes effect September 1, 2017.