

By: Hughes

S.B. No. 1190

A BILL TO BE ENTITLED

AN ACT

relating to judicial review of certain decisions under the Texas Workers' Compensation Act.

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

SECTION 1. Section 415.035, Labor Code, is amended to read as follows:

Sec. 415.035. JUDICIAL REVIEW. ~~[(a)]~~ A decision under Section 415.034 is subject to judicial review in the manner provided for judicial review under Chapter 2001, Government Code.

~~[(b) If an administrative penalty is assessed, the person charged shall:~~

~~[(1) forward the amount of the penalty to the division for deposit in an escrow account; or~~

~~[(2) post with the division a bond for the amount of the penalty, effective until all judicial review of the determination is final.~~

~~[(c) Failure to comply with Subsection (b) results in a waiver of all legal rights to contest the violation or the amount of the penalty.~~

~~[(d) If the court determines that the penalty should not have been assessed or reduces the amount of the penalty, the division shall:~~

~~[(1) remit the appropriate amount, plus accrued interest, if the administrative penalty was paid; or~~

1           ~~[(2) release the bond.]~~

2           SECTION 2. Section 415.035, Labor Code, as amended by this  
3 Act, applies only to judicial review of a decision issued on or  
4 after the effective date of this Act. Judicial review of a decision  
5 issued before the effective date of this Act is governed by the law  
6 in effect on the date the decision was issued, and the former law is  
7 continued in effect for that purpose.

8           SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.