

By: Taylor of Galveston  
(Oliveira)

S.B. No. 1895

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of administrative penalties under the  
Texas Workers' Compensation Act.

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

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

(c) In assessing an administrative penalty:

(1) the commissioner shall consider:

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

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

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

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

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

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

(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.