

By: Hinojosa

S.B. No. 858

A BILL TO BE ENTITLED

AN ACT

relating to liability of certain political subdivisions in certain workers' compensation actions.

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

SECTION 1. Section 504.053(e), Labor Code, is amended to read as follows:

(e) Nothing in this chapter waives sovereign immunity or creates a new cause of action, except that a political subdivision that self-insures either individually or collectively is liable for:

(1) sanctions, administrative penalties, and other remedies authorized under Chapter 415;

(2) attorney's fees as provided by Section 408.221(c); and

(3) attorney's fees as provided by Section 417.003.

SECTION 2. Section 415.021, Labor Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to any sanctions, administrative penalty, or other remedy authorized by this subtitle, the commissioner may assess an administrative penalty against a political subdivision that self-insures either individually or collectively that commits an administrative violation in connection with a workers' compensation claim filed by an individual elected, appointed, or employed as a peace officer by the political subdivision under Article 2.12, Code of Criminal Procedure, or other law, or an

1 individual who is employed by the political subdivision and is
2 subject to certification by the Texas Commission on Fire
3 Protection. The amount of the administrative penalty shall not be
4 less than two times the total amount of benefits payable in
5 connection with the employee's claim.

6 SECTION 3. Section 504.053, Labor Code, as amended by this
7 Act, and Section 415.021, Labor Code, as amended by this Act, apply
8 only to an administrative violation under Chapter 415, Labor Code,
9 that occurs on or after the effective date of this Act. An
10 administrative violation that occurs before the effective date of
11 this Act is governed by the law applicable to the violation
12 immediately before the effective date of this Act, and that law is
13 continued in effect for that purpose.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.