

By: Patterson

H.B. No. 2502

A BILL TO BE ENTITLED

AN ACT

relating to lifetime income benefits under the workers' compensation system.

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

SECTION 1. Section 408.061, Labor Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) Except as otherwise provided by Subsection (h), the maximum weekly income benefit in effect on the date of injury is applicable for the entire time that the benefit is payable.

(h) For a claim for lifetime income benefits by an employee who is a first responder as defined by Section 504.055, the maximum weekly income benefit in effect on the date the claim for lifetime income benefits is finally adjudicated by the division or a court, as applicable, is applicable for the entire time that the benefit is payable.

SECTION 2. Sections 408.161(a) and (c), Labor Code, are amended to read as follows:

(a) Lifetime income benefits are paid until the death of the employee for:

- (1) total and permanent loss of sight in both eyes;
- (2) loss of both feet at or above the ankle;
- (3) loss of both hands at or above the wrist;
- (4) loss of one foot at or above the ankle and the loss

1 of one hand at or above the wrist;

2 (5) an injury to the spine that results in:

3 (A) permanent and complete paralysis of both  
4 arms, both legs, or one arm and one leg; or

5 (B) substantial paralysis to the extent that the  
6 employee must use a wheelchair for mobility, regardless of whether  
7 minimal movement of an affected limb is possible;

8 (6) a physically traumatic injury to the brain  
9 resulting in the person having an incurable mental illness or  
10 intellectual disability [~~insanity or imbecility~~]; or

11 (7) third degree burns that cover at least 40 percent  
12 of the body and require grafting, or third degree burns covering the  
13 majority of either both hands or one hand and the face.

14 (c) Subject to Section 408.061, the amount of lifetime  
15 income benefits is equal to 75 percent of the employee's average  
16 weekly wage or, if the employee is a first responder as defined by  
17 Section 504.055, 100 percent of the employee's average weekly wage.  
18 Benefits being paid shall be increased at a rate of three percent a  
19 year notwithstanding Section 408.061.

20 SECTION 3. The changes in law made by this Act apply to a  
21 claim for lifetime income benefits based on a compensable injury  
22 that occurs on or after the effective date of this Act. A claim  
23 based on a compensable injury that occurs before the effective date  
24 of this Act is governed by the law in effect on the date the  
25 compensable injury occurred, and the former law is continued in  
26 effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2021.