

By: Capriglione, Guillen, Patterson, Button

H.B. No. 3120

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of an injured employee for lifetime income benefits under the workers' compensation system.

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

SECTION 1. Section 408.161, Labor Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (e) 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 of one hand at or above the wrist;

(5) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg;

(6) a physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder [~~incurable insanity or imbecility~~]; [~~or~~]

(7) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of:

(A) [~~either~~] both hands;

1                   (B) both feet;

2                   (C) one hand and one foot; or

3                   (D) one hand or foot and the face; or

4                   (8) a serious bodily injury sustained by the employee  
5 in the course and scope of the employee's employment or volunteer  
6 service as a first responder that permanently prevents the employee  
7 from performing any gainful work.

8                   (b-1) In this section:

9                   (1) "First responder" has the meaning assigned by  
10 Section [421.095](#), Government Code.

11                   (2) "Serious bodily injury" has the meaning assigned  
12 by Section [1.07](#), Penal Code.

13                   (e) Adjudication of lifetime income benefits for a first  
14 responder may proceed in the manner prescribed for an expedited  
15 proceeding under Section [504.055](#).

16                   SECTION 2. The changes in law made by this Act apply to a  
17 claim for lifetime income benefits based on a compensable injury  
18 that occurs on or after the effective date of this Act. A claim  
19 based on a compensable injury that occurs before the effective date  
20 of this Act is governed by the law in effect on the date the  
21 compensable injury occurred, and the former law is continued in  
22 effect for that purpose.

23                   SECTION 3. This Act takes effect September 1, 2021.