

By: Capriglione

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(a), Labor Code, is 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 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 permanent cognitive deficits that:

(A) render the employee permanently unemployable without significant accommodations; or

(B) affect the non-vocational quality of the employee's life so as to eliminate the employee's ability to engage in a range of usual cognitive processes [~~incurable insanity or imbecility~~]; [~~or~~]

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

4                   (A) [either] both hands;

5                   (B) both feet;

6                   (C) one hand and one foot; or

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

8           (8) permanent and total disability as determined by  
9 the Bureau of Justice Assistance of the United States Department of  
10 Justice under the Public Safety Officers' Benefits Act of 1976 (34  
11 U.S.C. Section 10281 et seq.) if the employee is:

12                   (A) a first responder as defined by Section  
13 421.095, Government Code; and

14                   (B) employed by a political subdivision that  
15 self-insures, either individually or collectively.

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.