

## **BILL ANALYSIS**

H.B. 2314  
By: Canales  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, families of deceased first responders can mistakenly apply for death benefits with their insurance company, which has no legal responsibility to report the claim to the workers' compensation system. As a result, an application can be denied, and these family members can become ineligible for death benefits. H.B. 2314 seeks to address confusion in the workers' compensation system by allowing surviving family members to file a claim for death benefits with insurance carriers and requiring insurance carriers to maintain records of these claims and provide notice to the system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 3 of this bill.

### **ANALYSIS**

H.B. 2314 amends the Labor Code to give a person, including an eligible surviving parent of a deceased employee, filing a death benefits claim under the workers' compensation system the option of filing the claim with an insurance carrier as an alternative to filing with the division of workers' compensation of the Texas Department of Insurance. The bill requires an insurance carrier, at the time the carrier receives a person's claim for death benefits, to create and maintain a record documenting receipt of the claim and provide written notice to the division that the person filed the claim.

H.B. 2314 requires the commissioner of workers' compensation to adopt rules as necessary to implement the bill's provisions. The bill applies only to a claim for death benefits filed on or after the bill's effective date.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.