

1-1 By: Smithee (Senate Sponsor - Hughes) H.B. No. 1456
 1-2 (In the Senate - Received from the House April 24, 2017;
 1-3 May 1, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 9, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 9, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner			X	
1-13 Taylor of Galveston	X			
1-14 Whitmire			X	
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to judicial review of certain decisions under the Texas
 1-20 Workers' Compensation Act.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 415.035, Labor Code, is amended to read
 1-23 as follows:

1-24 Sec. 415.035. JUDICIAL REVIEW. ~~[(a)]~~ A decision under
 1-25 Section 415.034 is subject to judicial review in the manner
 1-26 provided for judicial review under Chapter 2001, Government Code.

1-27 ~~[(b) If an administrative penalty is assessed, the person
 1-28 charged shall:~~

1-29 ~~[(1) forward the amount of the penalty to the division
 1-30 for deposit in an escrow account; or~~

1-31 ~~[(2) post with the division a bond for the amount of
 1-32 the penalty, effective until all judicial review of the
 1-33 determination is final.~~

1-34 ~~[(c) Failure to comply with Subsection (b) results in a
 1-35 waiver of all legal rights to contest the violation or the amount of
 1-36 the penalty.~~

1-37 ~~[(d) If the court determines that the penalty should not
 1-38 have been assessed or reduces the amount of the penalty, the
 1-39 division shall:~~

1-40 ~~[(1) remit the appropriate amount, plus accrued
 1-41 interest, if the administrative penalty was paid; or~~

1-42 ~~[(2) release the bond.]~~

1-43 SECTION 2. Section 415.035, Labor Code, as amended by this
 1-44 Act, applies only to judicial review of a decision issued on or
 1-45 after the effective date of this Act. Judicial review of a decision
 1-46 issued before the effective date of this Act is governed by the law
 1-47 in effect on the date the decision was issued, and the former law is
 1-48 continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect immediately if it receives
 1-50 a vote of two-thirds of all the members elected to each house, as
 1-51 provided by Section 39, Article III, Texas Constitution. If this
 1-52 Act does not receive the vote necessary for immediate effect, this
 1-53 Act takes effect September 1, 2017.

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