

1-1 By: Canales (Senate Sponsor - Kolkhorst) H.B. No. 2314
 1-2 (In the Senate - Received from the House April 13, 2023;
 1-3 April 18, 2023, read first time and referred to Committee on
 1-4 Business & Commerce; May 17, 2023, reported favorably by the
 1-5 following vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to filing death benefits claims under the workers'
 1-22 compensation system.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 408.182(d-2), Labor Code, is amended to
 1-25 read as follows:

1-26 (d-2) Except as otherwise provided by this subsection, to be
 1-27 eligible to receive death benefits under Subsection (d-1), an
 1-28 eligible parent must file with the division or insurance carrier a
 1-29 claim for those benefits not later than the first anniversary of the
 1-30 date of the injured employee's death from the compensable injury.
 1-31 The claim must designate all eligible parents and necessary
 1-32 information for payment to the eligible parents. The insurance
 1-33 carrier is not liable for payment to any eligible parent not
 1-34 designated on the claim. Failure to file a claim in the time
 1-35 required bars the claim unless good cause exists for the failure to
 1-36 file a claim under this section.

1-37 SECTION 2. Section 409.007, Labor Code, is amended by
 1-38 amending Subsection (a) and adding Subsection (d) to read as
 1-39 follows:

1-40 (a) A person must file a claim for death benefits with the
 1-41 division or insurance carrier not later than the first anniversary
 1-42 of the date of the employee's death.

1-43 (d) If a person files a claim for death benefits with an
 1-44 insurance carrier, at the time the carrier receives the claim the
 1-45 carrier shall, in the form and manner prescribed by the division:

1-46 (1) create and maintain a record documenting receipt
 1-47 of the claim; and

1-48 (2) provide written notice to the division that the
 1-49 person filed the claim.

1-50 SECTION 3. The commissioner of worker's compensation shall
 1-51 adopt rules as necessary to implement the changes in law made by
 1-52 this Act.

1-53 SECTION 4. The changes in law made by this Act apply to a
 1-54 claim for death benefits filed on or after the effective date of
 1-55 this Act. A claim for death benefits filed before that date is
 1-56 covered by the law in effect on the date the claim was filed, and the
 1-57 former law is continued in effect for that purpose.

1-58 SECTION 5. This Act takes effect immediately if it receives
 1-59 a vote of two-thirds of all the members elected to each house, as
 1-60 provided by Section 39, Article III, Texas Constitution. If this
 1-61 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2023.

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