

BILL ANALYSIS

H.B. 3158
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the Texas Workers' Compensation Act, only the surviving spouse or heirs of the body of a deceased employee whose death was caused by an intentional act or omission of the person's employer or by the employer's gross negligence have standing to recover exemplary damages. As such, the parents of a person who dies under such circumstances are unable to recover these damages, even if the person has no surviving spouse or heirs. This is not the case with respect to state law governing the payment of damages following wrongful death.

This discrepancy is seen as unfair given that there are circumstances in which the Texas Workers' Compensation Act is the exclusive remedy for damages following death. There have been calls for legislative action, including those made in light of a recent Texas Supreme Court case, to align the provisions of the act with state law governing wrongful death so that parents are able to receive exemplary damages regardless of the law under which their child's death falls. H.B. 3158 seeks to answer those calls and bring these laws into alignment.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3158 amends the Labor Code to include the parents of a deceased employee whose death was caused by an intentional act or omission of the employer or by the employer's gross negligence among the parties with standing to bring an action against the employer for the recovery of exemplary damages. The bill authorizes a party to bring a suit for such exemplary damages or one or more of the specified parties to bring the action for the benefit of all applicable parties. For purposes of the bill's provisions, "parent" includes an adoptive parent or a stepparent but does not include a parent whose parental rights have been terminated.

EFFECTIVE DATE

September 1, 2021.