

## **BILL ANALYSIS**

Senate Research Center

H.B. 1305  
By: Brimer (Armbrister)  
Economic Development  
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Engrossed

### **DIGEST**

Currently, the Workers' Compensation Reform Act provides civil immunity to individuals or entities who perform safety consultations required by the Act, but only to the extent that the safety program, inspection, or other similar activity is alleged to have caused or could have prevented an "accident." It is generally agreed, that the purpose was for the word "accident" to be comprehensive and cover any claim arising under the Act. However, a recent court decision has interpreted "accident" to not include occupational diseases. This bill will provide that certain persons have no liability for an injury or occupational disease under certain circumstances.

### **PURPOSE**

As proposed, H.B. 1305 provides that certain persons have no liability for an injury or occupational disease under certain circumstances.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.003, Labor Code, to provide that certain persons who perform a safety consultation under Subchapter D or E have no liability for an accident, injury, or occupational disease based on an allegation that the accident, injury, or occupational disease was caused or could have been prevented by a program, inspection, or other activity or service undertaken by the insurance company for the prevention of accidents in connection with operations of the employer.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.