

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1305
By: Brimer (Armbrister)
Economic Development
5-16-97
Committee Report (Substituted)

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, C.S.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. Makes application of this Act prospective.

SECTION 3. Emergency clause.
Effective date: 90 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

On page 1, line 18, delete the existing SECTION 2 and substitute the following:

SECTION 2. This Act shall apply to a cause of action, pleadings, or motions in a suit filed on or after the effective date hereof. Any suit filed and commenced before the effective date of this Act is governed by the law applicable thereto and in effect prior to the effective date hereof, and, solely for that purpose, such law is continued in effect.