

## **BILL ANALYSIS**

Senate Research Center  
78R10672 PB-F

C.S.S.B. 1282  
By: Fraser  
State Affairs  
4/2/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

The Labor Code currently requires a workers' compensation insurance carrier to begin payment of benefits or give written notice of refusal within seven days of receiving notice of the injury, and provides that failure to do so constitutes a Class B administrative violation. In addition, the Labor Code provides that if a carrier fails to contest compensability within 60 days of receiving notice of an injury, the carrier waives all rights to do so at a later date. C.S.S.B. 1282 provides that written notice would occur only upon the written notice to the certified claims servicing contractor or to the entity responsible for administering the claim.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 409.021, Labor Code, by adding Subsection (f), to provide that "written notice" to a certified self-insurer to occurs only on written notice to the qualified claims servicing contractor designated by the certified self-insurer under Section 407.061(c), for the purposes of this section.

SECTION 2. Amends Section 409.021, Labor Code, by adding Subsection (d), to provide that "written notice" to a political subdivision that self-insures, either individually or collectively through an interlocal agreement as described by Section 504.011, occurs only on written notice to the intergovernmental risk pool or other entity responsible for administering the claim, for the purposes of applying the provisions listed by Subsection (a).

SECTION 3. Effective date: September 1, 2003.  
Makes application of this Act prospective.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original in SECTION 1 by amending Section 409.021, Labor Code, rather than Section 504.002, Labor Code. Adds a new Subsection (f).

Differs from original in SECTION 2 by amending Section 504.002, Labor Code, rather than Section 409.021, Labor Code. Adds a new Subsection (d).

Differs from original in SECTION 3 by making application of the Act prospective.