

CHAPTER 644

S.B. No. 909

An Act relating to the enforcement of settlement agreements or judgments in workers' compensation cases: amending Section 5a, Article 8307, Revised Statutes, as amended.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 5a, Article 8307, Revised Statutes, as amended, is amended as follows:

“Section 5a. In all cases where the board shall make a final order, ruling or decision as provided in the preceding section and against the association, and the association shall fail and refuse to obey or comply with the same and shall fail or refuse to bring suit to set the same aside as in said section is provided, then in that event, the claimant in addition to the rights and remedies given him and the board in said section may bring suit where the injury occurred, upon said order, ruling or decision. If he secures a judgment sustaining such order, ruling or decision in whole or in part, he shall also be entitled to recover the further sum of twelve per cent as damages upon the amount of compensation so recovered in said judgment, together with a reasonable attorney's fee for the prosecution and collection of such claim.

“Where the board has made an award against an association requiring the payment to an injured employee or his beneficiaries of any weekly or monthly payments, under the terms of this law, and such association should thereafter fail or refuse, without justifiable cause, to continue to make said payments promptly as they mature, then the said injured employee or his beneficiaries, in case of his death, shall have the right to mature the entire claim and to institute suit thereon to collect the full amount thereof, together with twelve per cent penalties and attorney's fees, as herein provided for. Suit may be brought under the provisions of this section, either in the county where the accident occurred, or in any county where the claimants reside, or where one or more of such claimants may have his place of residence at the time of the institution of the suit.

“In all cases where the board has approved a compromise settlement agreement or where the court has approved an agreed judgment and the association shall, upon receiving written notice of

such approval, fail or refuse to pay the indemnity compensation when due, then the claimant or his beneficiaries are entitled to institute suit in a court of competent jurisdiction and, in addition to collecting the full amount of indemnity compensation provided for in the settlement or judgment, shall be entitled to a twelve per cent penalty and a reasonable attorney's fee; and such suit may be brought in any county designated in Section 5 of this article."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 14, 1985

Effective: Immediately