

CHAPTER 931

H.B. No. 1960

AN ACT

relating to payments of workers' compensation benefits when a dispute arises between two carriers as to the liability of each carrier.

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

SECTION 1. Section 5c, Article 8307, Revised Statutes, is amended to read as follows:

Sec. 5c. In any proceeding in which it is determined that compensation, including costs for medical services incurred, is allowable in a sum certain for injuries sustained by an employee, but there is a dispute with respect to which of two or more subscribers said employee was serving at the time of injury, the Association and other *workers'* [~~workmen's~~] compensation insurer, or insurers, of each such subscriber shall be required to *pay* [~~deposit with the Board or court~~] a proportionate share of the compensation *benefits* [~~awarded~~], including costs for medical services incurred, for the injuries received. Such

proportionate share due from the Association and other *workers'* [~~workmen's~~] compensation insurer, or insurers, shall be determined by dividing the compensation *benefits* [~~awarded~~], including costs for medical services incurred, by the number of subscribers who are alleged to have been the employer of the injured employee at the time of injury, and the Association and *workers'* [~~workmen's~~] compensation insurer of each such subscriber shall pay such proportionate share, or shares, depending on whether they insure one or more of such subscribers. The Board or court shall deliver the full amount of the *workers'* [~~workmen's~~] compensation award, including costs for medical services incurred, in the same manner as if the sum had been paid only by the responsible insurer. Thereafter, upon final determination of liability for compensation, whether by agreement, award of the Board or order of the court, the insurer, or insurers found not to be liable shall be entitled to reimbursement for its, or their, proportionate share *paid* [~~deposited with the Board or court~~] from the insurer who is determined to be liable for compensation and medical costs incurred. *No award or judgment pursuant to this section shall affect any rights of the claimant, directly or collaterally, in any other claim or suit, nor shall evidence of such award or judgment be admissible in any other suit brought by the claimant.*

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. 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.

Passed by the House on April 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1960 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Sept. 1, 1987.