

By: Meza

H.B. No. 182

A BILL TO BE ENTITLED

AN ACT

relating to rest breaks for employees of certain governmental entity contractors; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.911 to read as follows:

Sec. 2252.911. REST BREAKS REQUIRED FOR EMPLOYEES PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) In this section:

(1) "Construction contract" means a contract or agreement for the performance of general construction.

(2) "Contractor" means a person, firm, or corporation contracting with a governmental entity for general construction.

(3) "Employee" means an individual paid by a contractor or subcontractor to perform general construction work or services.

(4) "General construction" means:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related structure;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or a structure related to real property.

1 (5) "Governmental entity" means:

2 (A) a board, commission, department, office, or
3 other agency in the executive branch of state government; or

4 (B) a political subdivision of this state,
5 including a municipality, county, public school district, or
6 special-purpose district or authority.

7 (6) "Rest break" means a break from work during work
8 hours. The term does not include a regular meal period a contractor
9 or subcontractor provides to an employee.

10 (b) A governmental entity contracting with a contractor
11 shall require the contractor and any subcontractor to provide to
12 each employee performing work under the contract at least a
13 10-minute paid rest break during every four-hour work period.

14 (c) Each construction contract with a governmental entity
15 must include terms that:

16 (1) authorize an employee of a contractor or
17 subcontractor required to work without a rest break in violation of
18 Subsection (b) to make a verbal or written complaint to the
19 governmental entity contracting with the contractor;

20 (2) require, on confirmation of a violation of
21 Subsection (b) that is the subject of a complaint, the governmental
22 entity to provide to the contractor written notice of the violation
23 by hand delivery or certified mail;

24 (3) inform a contractor the governmental entity is
25 authorized to impose an administrative penalty if the contractor
26 fails to comply with Subsection (b) after the date on which the
27 contractor receives notice under Subdivision (2); and

1 (4) state that an imposed penalty amount may be
2 withheld from a payment otherwise owed to a contractor under the
3 contract.

4 (d) In accordance with a construction contract governed by
5 this section, the governmental entity may impose an administrative
6 penalty against a contractor in an amount of not less than \$100 and
7 not more than \$500 per day if a contractor or subcontractor requires
8 any employee to work without a rest break in violation of Subsection
9 (b). A proceeding under this section to impose an administrative
10 penalty is a contested case under Chapter 2001.

11 (e) Each governmental entity shall develop procedures for
12 the administration of this section.

13 (f) This section does not preempt a local ordinance, rule,
14 or other measure a political subdivision of this state adopts
15 requiring rest breaks in accordance with a construction contract
16 that is compatible with and equal to or more stringent than the
17 provisions of this section.

18 SECTION 2. Section 2252.911, Government Code, as added by
19 this Act, applies only to a contract for which the solicitation of
20 qualifications, proposals, or other similar expressions of
21 interest is published on or after September 1, 2025.

22 SECTION 3. This Act takes effect September 1, 2025.