

By: Allen

H.B. No. 435

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain notification requirements for an employer of a
3 child, a person with mental retardation, or a person who is mentally
4 incapacitated.

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

6 SECTION 1. The heading for Subtitle B, Title 2, Labor Code,
7 is amended to read as follows:

8 SUBTITLE B. LABOR REQUIREMENTS AND RESTRICTIONS [~~ON LABOR~~]

9 SECTION 2. Subtitle B, Title 2, Labor Code, is amended by
10 adding Chapter 53 to read as follows:

11 CHAPTER 53. EMPLOYER NOTIFICATION REQUIREMENTS

12 Sec. 53.001. DEFINITIONS. In this chapter:

13 (1) "Child" means an individual under 18 years of age.

14 (2) "Employer" means a person who employs one or more
15 employees and who receives a subsidy from the federal government,
16 the state, or a public agency or political subdivision, including
17 an appropriation, grant, allocation, guaranty, aid, or other
18 contribution.

19 Sec. 53.002. NOTIFICATION TO EMPLOYEE'S PARENT OR GUARDIAN.

20 (a) An employer who employs a person who is a child, a person with
21 mental retardation, or a person who is mentally incapacitated shall
22 notify that person's parent or legal guardian, on receipt of a
23 request in writing, if the employer also employs a person who the
24 employer knows is:

1 (1) a releasee under the supervision of the pardons
2 and paroles division of the Texas Department of Criminal Justice;
3 or

4 (2) under community supervision for an offense under
5 Title 5, Penal Code.

6 (b) Notice provided by an employer under this section must
7 be in writing and delivered personally to the parent or legal
8 guardian or, if personal delivery is not possible, by certified
9 mail.

10 Sec. 53.003. CAUSE OF ACTION FOR FAILURE TO NOTIFY.

11 (a) Failure by an employer to notify a person entitled to notice
12 under this chapter may be made the basis for a statutory cause of
13 action under this chapter on proof that:

14 (1) the person is the parent or legal guardian of an
15 employee who suffered an injury or damages resulting from an action
16 by a person described by Section 53.002(a)(1) or (2); and

17 (2) the employer's failure to provide the notice was a
18 proximate cause of the injury or damages.

19 (b) This section does not affect the right of any person to
20 bring a common law cause of action against another person whose
21 conduct resulted in personal injury or damages to the person
22 bringing the action.

23 SECTION 3. This Act takes effect September 1, 2003.