

Amend CSSB 5, in Article 3 of the bill, by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the article appropriately:

SECTION 3.____. (a) Section 406.033, Labor Code, is amended by adding Subsection (f) to read as follows:

(f) A cause of action described in Subsection (a) may not be waived by an employee after the employee's injury or death unless the waiver:

1. is knowing and voluntary;

2. is entered into no less than ten (10) business days after the initial report of injury, provided that the employee prior to the signing of the waiver has received a medical evaluation from a non-emergency care doctor; and,

3. is in writing so that the true intent of the parties is specifically stated in the four corners of the document. The waiver provisions must be conspicuous and appear on the face of the agreement. To be conspicuous, the waiver provisions must appear in type larger than the type contained in the body of the agreement or in contrasting colors.