

By: Taylor

H.B. No. 2981

A BILL TO BE ENTITLED

AN ACT

relating to the misuse of the name of the Texas Workers' Compensation Commission; providing penalties.

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

SECTION 1. Subtitle A, Title 5, Labor Code, is amended by adding Chapter 419 to read as follows:

CHAPTER 419. MISUSE OF COMMISSION NAME

Sec. 419.001. DEFINITIONS. (a) In this chapter:

(1) "Representation of the commission's star logo" includes a nonexact representation that is deceptively similar to the star logo used by the commission.

(2) "Representation of the state seal" has the meaning assigned by Section 17.08(a)(2), Business & Commerce Code.

(b) A term or representation is "deceptively similar" for purposes of this chapter if:

(1) a reasonable person would believe that the term or representation is in any manner approved, endorsed, sponsored, authorized by, the same as, or associated with the commission, this state, or an agency of this state; or

(2) the circumstances under which the term is used could mislead a reasonable person as to its identity.

Sec. 419.002. MISUSE OF COMMISSION NAME OR SYMBOLS PROHIBITED. (a) Except as authorized by law, a person, in connection with any impersonation, advertisement, solicitation,

1 business name, business activity, document, product, or service
2 made or offered by the person, may not knowingly use or cause to be
3 used:

4 (1) the words "Texas Workers' Compensation
5 Commission," "Workers' Compensation Commission," or "Texas
6 Workers' Compensation";

7 (2) any term using both "Texas" and "Workers'
8 Compensation" or any term using both "Texas" and "Workers' Comp";

9 (3) the initials "T.W.C.C."; or

10 (4) any combination or variation of the words or
11 initials, or any term deceptively similar to the words or initials,
12 described by Subdivisions (1)-(3).

13 (b) A person subject to Subsection (a) may not knowingly use
14 or cause to be used a word, term, or initials described by
15 Subsection (a) alone or in conjunction with:

16 (1) the state seal or a representation of the state
17 seal;

18 (2) a picture or map of this state; or

19 (3) the official logo of the commission or a
20 representation of the commission's star logo.

21 Sec. 419.003. RULES. The commission may adopt rules
22 relating to the regulation of the use of the commission's name and
23 other rules as necessary to implement this chapter.

24 Sec. 419.004. CIVIL PENALTY. (a) A person who violates
25 Section 419.002 or a rule adopted under this chapter is liable for a
26 civil penalty not to exceed \$25,000 for each violation.

27 (b) The attorney general, at the request of the commission,

1 shall bring an action to collect a civil penalty under this section
2 in a district court in Travis County.

3 Sec. 419.005. ADMINISTRATIVE PENALTY. (a) The commission
4 may assess an administrative penalty against a person who violates
5 Section 419.002 or a rule adopted under this chapter.

6 (b) An administrative penalty imposed under this section:
7 (1) may not exceed \$25,000 for each violation; and
8 (2) is subject to the procedural requirements adopted
9 for administrative penalties imposed under Section 415.021.

10 Sec. 419.006. INJUNCTIVE RELIEF. (a) At the request of the
11 commission, the attorney general or a district attorney may bring
12 an action in district court in Travis County to enjoin or restrain a
13 violation or threatened violation of this chapter on a showing that
14 a violation has occurred or is likely to occur.

15 (b) The commission may recover the costs of investigating an
16 alleged violation of this chapter if an injunction is issued.

17 Sec. 419.007. REMEDIES NOT EXCLUSIVE. The remedies
18 provided by this chapter are not exclusive and may be sought in any
19 combination determined by the commission as necessary to enforce
20 this chapter.

21 SECTION 2. This Act takes effect September 1, 2005.