

By: Barrientos

S.B. No. 713

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain waivers by an employee of an employer who does not subscribe to workers' compensation insurance.

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

SECTION 1. Section 406.033(e), Labor Code, is amended to read as follows:

(e) A cause of action described in Subsection (a) may not be waived by an employee or a legal beneficiary of the employee, regardless of whether the waiver is made before or after the date of the employee's injury or death. Any agreement by an employee or a legal beneficiary of the employee to waive a cause of action or any right described in Subsection (a) [~~before the employee's injury or death~~] is void and unenforceable.

SECTION 2. The change in law made by this Act applies to a waiver of a cause of action by an employee regardless of whether:

(1) the waiver is made before, on, or after the effective date of this Act; or

(2) a proceeding in which enforcement of the waiver is sought commenced before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.