

By: Leibowitz

H.B. No. 33

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain requirements for employers not covered by
3 workers' compensation insurance.

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

5 SECTION 1. Section 406.004(a), Labor Code, is amended to
6 read as follows:

7 (a) An employer who does not obtain workers' compensation
8 insurance coverage shall:

9 (1) notify the division in writing, in the time and as
10 prescribed by commissioner rule, that the employer elects not to
11 obtain coverage; and

12 (2) provide to the division in conjunction with the
13 notification required by Subdivision (1) and in accordance with
14 rules prescribed by the commissioner:

15 (A) data relating to each work-related injury
16 sustained by an employee of the employer and any related benefits
17 paid to the employee by the employer; and

18 (B) certification that the employer will not,
19 before the 10th day after the date of the accrual of an employee's
20 cause of action against the employer to recover damages for
21 personal injury or death sustained by the employee in the course and
22 scope of the employee's employment, enter into a contract with the
23 employee that affects a procedural or substantive right of the
24 employee to recover damages in that action.

1 SECTION 2. The commissioner of workers' compensation of the
2 Texas Department of Insurance shall adopt rules under Section
3 406.004(a), Labor Code, as amended by this Act, as soon as
4 practicable after the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2009.