

By: Leibowitz

H.B. No. 35

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reporting 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. Subchapter A, Chapter 406, Labor Code, is
6 amended by adding Section 406.0045 to read as follows:

7 Sec. 406.0045. EMPLOYER REPORT TO DIVISION. (a) Each
8 calendar year, an employer who does not obtain or otherwise provide
9 workers' compensation insurance coverage shall report to the
10 division each work-related injury sustained by an employee of the
11 employer during the preceding year that:

12 (1) resulted in:

13 (A) the employee being absent from one or more
14 days of work;

15 (B) a modification of the employee's work
16 assignment; or

17 (C) a medical diagnosis of a significant
18 occupational injury or disease; or

19 (2) required medical treatment beyond first aid.

20 (b) The employer shall report to the division regarding each
21 injury required to be reported under Subsection (a):

22 (1) the total cost of medical treatment;

23 (2) the portion of the cost of medical treatment paid
24 for or provided by the employer;

1 (3) the number of days the employee was absent from
2 work;

3 (4) the amount of any salary replacement paid by the
4 employer; and

5 (5) the amount of any other settlement paid by the
6 employer.

7 (c) The commissioner shall:

8 (1) adopt rules for the administration of this
9 section; and

10 (2) prescribe forms to be used for the report required
11 under this section.

12 SECTION 2. The commissioner of workers' compensation of the
13 Texas Department of Insurance shall adopt rules and prescribe forms
14 required by Section 406.0045, Labor Code, as added by this Act, as
15 soon as practicable after the effective date of this Act.

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