

By: Giddings, Solomons, Eiland, Hughes,
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H.B. No. 1657

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation insurance coverage regarding
certain contractors.

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

SECTION 1. Sections 406.121(1) and (5), Labor Code, are
amended to read as follows:

(1) "General contractor" means a person who undertakes
to procure the performance of work or a service for the benefit of
another, either separately or through the use of subcontractors.
The term includes a "principal contractor," "original contractor,"
"prime contractor," or other analogous term. The term does not
include a motor carrier that provides a transportation service
through the use of an owner operator.

(5) "Subcontractor" means a person who contracts with
a general contractor to perform all or any part of the work or
services that the general contractor has contracted with another
party [~~undertaken~~] to perform.

SECTION 2. Subchapter F, Chapter 406, Labor Code, is
amended by adding Section 406.128 to read as follows:

Sec. 406.128. APPLICATION TO CERTAIN PREMISES OWNERS. (a)
In this section, "small business" has the meaning assigned by
Section 2006.011, Government Code.

(b) Notwithstanding any other provision of this subchapter,
a premises owner who is a homeowner, a general small business, or a

1 small business engaged in agriculture may operate as a general
2 contractor for purposes of this chapter in procuring the
3 performance of work or a service on the premises of that premises
4 owner.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.