

By: McReynolds

H.B. No. 3960

Substitute the following for H.B. No. 3960:

By: Christian

C.S.H.B. No. 3960

A BILL TO BE ENTITLED

1

AN ACT

2 relating to workers' compensation insurance coverage for certain  
3 travel by emergency service organization employees and volunteer  
4 members.

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

6 SECTION 1. Section 401.011(12), Labor Code, is amended to  
7 read as follows:

8 (12) "Course and scope of employment" means an  
9 activity of any kind or character that has to do with and originates  
10 in the work, business, trade, or profession of the employer and that  
11 is performed by an employee while engaged in or about the  
12 furtherance of the affairs or business of the employer. The term  
13 includes an activity conducted on the premises of the employer or at  
14 other locations. The term does not include:

15 (A) transportation to and from the place of  
16 employment unless:

17 (i) the transportation is furnished as a  
18 part of the contract of employment or is paid for by the employer;

19 (ii) the means of the transportation are  
20 under the control of the employer; ~~or~~

21 (iii) the employee is directed in the  
22 employee's employment to proceed from one place to another place;  
23 or

24 (iv) the travel is by an employee or

1 volunteer member of an emergency service organization under Section  
2 406.098 who, after receiving notification of an emergency incident  
3 requiring the employee's or volunteer member's presence, is  
4 traveling in any vehicle directly to or directly from the incident  
5 scene; or

6 (B) travel by the employee in the furtherance of  
7 the affairs or business of the employer if the travel is also in  
8 furtherance of personal or private affairs of the employee unless:

9 (i) the travel to the place of occurrence of  
10 the injury would have been made even had there been no personal or  
11 private affairs of the employee to be furthered by the travel; and

12 (ii) the travel would not have been made had  
13 there been no affairs or business of the employer to be furthered by  
14 the travel.

15 SECTION 2. The change in law made by this Act applies only  
16 to a claim for workers' compensation benefits based on a  
17 compensable injury that occurs on or after the effective date of  
18 this Act. A claim based on a compensable injury that occurs before  
19 the effective date of this Act is governed by the law in effect on  
20 the date the compensable injury occurred, and the former law is  
21 continued in effect for that purpose.

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