

By: McReynolds

H.B. No. 3960

A BILL TO BE ENTITLED

1 AN ACT
2 relating to workers' compensation for employees and volunteers of
3 an emergency service organization.

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

5 SECTION 1. Title 5, Chapter 401, Labor Code, is amended to
6 read as follows:

7 Sec. 401.11 (12) "Course and scope of employment" means an
8 activity of any kind or character that has to do with and originates
9 in the work, business, trade, or profession of the employer and that
10 is performed by an employee while engaged in or about the
11 furtherance of the affairs or business of the employer. The term
12 includes an activity conducted on the premises of the employer or at
13 other locations. The term does not include:

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

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

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

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

22 (iv) the employee or volunteer is a member of an
23 emergency service organization and, after receiving notification
24 of an emergency incident requiring the employee or volunteer

1 member's presence, is in any vehicle and only directly responding
2 to or directly returning from the emergency call to duty.

3 (B) travel by the employee in the furtherance of the
4 affairs or business of the employer if the travel is also in
5 furtherance of personal or private affairs of the employee unless:

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

9 (ii) the travel would not have been made had
10 there been no affairs or business of the employer to be furthered by
11 the travel.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.