

By: Solomons

H.B. No. 625

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notice of staff leasing services company workers'  
3 compensation claim and payment information; providing an  
4 administrative violation.

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

6 SECTION 1. The heading to Section 91.042, Labor Code, is  
7 amended to read as follows:

8 Sec. 91.042. WORKERS' COMPENSATION INSURANCE;  
9 ADMINISTRATIVE VIOLATION.

10 SECTION 2. Section 91.042, Labor Code, is amended by adding  
11 Subsections (g), (h), and (i) to read as follows:

12 (g) On the written request of a client company, a license  
13 holder that elects to provide workers' compensation insurance for  
14 assigned employees shall provide to the client company a list of:

15 (1) claims associated with that client company made  
16 against the license holder's workers' compensation policy; and

17 (2) payments made and reserves established on each  
18 claim.

19 (h) The license holder shall provide the information  
20 described by Subsection (g) in writing from the license holder's  
21 own records, if the license holder is a qualified self-insurer, or  
22 from information the license holder received from the license  
23 holder's workers' compensation insurance provider following the  
24 license holder's request under Section 2051.151, Insurance Code,

1 not later than the 60th day after the date the license holder  
2 receives the client company's written request. For purposes of this  
3 subsection, information is considered to be provided to the client  
4 company on the date the information is:

5 (1) received by the United States Postal Service; or

6 (2) personally delivered to the client company.

7 (i) A license holder that fails to comply with Subsection  
8 (g) or (h) commits a Class D administrative violation as provided by  
9 Section 415.011.

10 SECTION 3. Subchapter A, Chapter 415, Labor Code, is  
11 amended by adding Section 415.011 to read as follows:

12 Sec. 415.011. NOTICE OF STAFF LEASING SERVICES COMPANY  
13 WORKERS' COMPENSATION CLAIM AND PAYMENT INFORMATION;  
14 ADMINISTRATIVE VIOLATION. (a) Except as provided by Subsection  
15 (c), a staff leasing services company license holder commits a  
16 violation if the license holder fails to provide the information  
17 required by Sections 91.042(g) and (h).

18 (b) A violation under Subsection (a) is an administrative  
19 violation.

20 (c) A staff leasing services company license holder does not  
21 commit an administrative violation under this section if the  
22 license holder requested the information required by Sections  
23 91.042(g) and (h) from the license holder's workers' compensation  
24 insurance provider and the provider does not provide the  
25 information to the license holder within the required time. A  
26 license holder shall notify the Texas Department of Insurance of a  
27 provider's failure to comply with the requirements of Section

1 2051.151, Insurance Code.

2 SECTION 4. This Act takes effect September 1, 2011.