

By: Lucio

S.B. No. 938

A BILL TO BE ENTITLED

AN ACT

relating to required workers' compensation insurance coverage for building and construction contractors.

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

SECTION 1. The heading to Section 406.096, Labor Code, is amended to read as follows:

Sec. 406.096. REQUIRED COVERAGE FOR ~~[CERTAIN]~~ BUILDING OR CONSTRUCTION CONTRACTORS.

SECTION 2. Section 406.096, Labor Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) A contractor shall provide workers' compensation insurance coverage for each employee of the contractor. A subcontractor shall provide workers' compensation insurance coverage for each employee of the subcontractor.

(a-1) A governmental entity that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project.

(b) Each subcontractor on a ~~the~~ public project shall provide ~~such~~ a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the governmental

1 entity.

2 (c) A contractor may provide [~~who has a contract that~~  
3 ~~requires~~] workers' compensation insurance coverage [~~may provide~~  
4 ~~the coverage~~] through a group plan or other method. If the  
5 contractor enters into a contract with a governmental entity for a  
6 public project, the coverage must be satisfactory to the governing  
7 body of the governmental entity.

8 SECTION 3. The change in law made by this Act applies only  
9 to a contract for building or construction that is entered into on  
10 or after the effective date of this Act. A contract entered into  
11 before the effective date of this Act is governed by the law in  
12 effect on the date the contract was entered into, and the former law  
13 is continued in effect for that purpose.

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