

By: Duncan

S.B. No. 1714

A BILL TO BE ENTITLED

AN ACT

relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

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

SECTION 1. Subsections (a) and (d), Section 406.033, Labor Code, are amended to read as follows:

(a) In an action against an employer by or on behalf of an employee who is not covered by ~~[who does not have]~~ workers' compensation insurance obtained in the manner authorized by Section 406.003 ~~[coverage]~~ to recover damages for personal injuries or death sustained by an employee in the course and scope of the employment, it is not a defense that:

(1) the employee was guilty of contributory negligence;

(2) the employee assumed the risk of injury or death;
or

(3) the injury or death was caused by the negligence of a fellow employee.

(d) In an action described by Subsection (a) against an employer by or on behalf of an employee who is not covered by ~~[who does not have]~~ workers' compensation insurance obtained in the manner authorized by Section 406.003 ~~[coverage]~~, the plaintiff must prove negligence of the employer or of an agent or servant of the employer acting within the general scope of the agent's or servant's

1 employment.

2 SECTION 2. The change in law made by this Act applies only
3 to a cause of action that accrues on or after the effective date of
4 this Act. A cause of action that accrued before the effective date
5 of this Act is governed by the law in effect on the date the cause of
6 action accrued, and the former law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect September 1, 2011.