

By: J. Davis of Harris

H.B. No. 2015

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the proper classification of workers performing
3 services in connection with governmental contracts; providing a
4 penalty.

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

6 SECTION 1. Chapter 214, Labor Code, is amended by adding
7 Section 214.008 to read as follows:

8 Sec. 214.008. MISCLASSIFICATION OF CERTAIN WORKERS;
9 PENALTY. (a) A person who contracts with a governmental entity to
10 provide a service as defined by Section 2155.001, Government Code,
11 shall properly classify, as an employee or independent contractor
12 in accordance with Chapter 201, any individual the person directly
13 retains and compensates for services performed in connection with
14 the contract.

15 (b) In this subsection, "subcontractor" means a person
16 directly retained and compensated by a person who contracts with a
17 governmental entity to provide a service as defined by Section
18 2155.001, Government Code. A subcontractor shall properly
19 classify, as an employee or independent contractor in accordance
20 with Chapter 201, any individual the subcontractor directly retains
21 and compensates for services performed in connection with the
22 contract for which the subcontractor is retained.

23 (c) A person who fails to properly classify an individual as
24 required by Subsection (a) or (b) shall pay to the commission a

1 penalty equal to \$200 for each individual that the person has not
2 properly classified.

3 (d) The commission may not take action to collect a penalty
4 under this section from a person after the third anniversary of the
5 date on which the violation occurred.

6 SECTION 2. This Act takes effect January 1, 2014.