

1-1 By: J. Davis of Harris (Senate Sponsor - Watson) H.B. No. 2015
 1-2 (In the Senate - Received from the House May 6, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on Economic
 1-4 Development; May 16, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Deuell	X			
1-8 Hancock	X			
1-9 Birdwell			X	
1-10 Davis	X			
1-11 Eltife	X			
1-12 Fraser			X	
1-13 Watson	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the proper classification of workers performing
 1-18 services in connection with governmental contracts; providing a
 1-19 penalty.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 214, Labor Code, is amended by adding
 1-22 Section 214.008 to read as follows:

1-23 Sec. 214.008. MISCLASSIFICATION OF CERTAIN WORKERS;
 1-24 PENALTY. (a) A person who contracts with a governmental entity to
 1-25 provide a service as defined by Section 2155.001, Government Code,
 1-26 shall properly classify, as an employee or independent contractor
 1-27 in accordance with Chapter 201, any individual the person directly
 1-28 retains and compensates for services performed in connection with
 1-29 the contract.

1-30 (b) In this subsection, "subcontractor" means a person
 1-31 directly retained and compensated by a person who contracts with a
 1-32 governmental entity to provide a service as defined by Section
 1-33 2155.001, Government Code. A subcontractor shall properly
 1-34 classify, as an employee or independent contractor in accordance
 1-35 with Chapter 201, any individual the subcontractor directly retains
 1-36 and compensates for services performed in connection with the
 1-37 contract for which the subcontractor is retained.

1-38 (c) A person who fails to properly classify an individual as
 1-39 required by Subsection (a) or (b) shall pay to the commission a
 1-40 penalty equal to \$200 for each individual that the person has not
 1-41 properly classified.

1-42 (d) The commission may not take action to collect a penalty
 1-43 under this section from a person after the third anniversary of the
 1-44 date on which the violation occurred.

1-45 SECTION 2. This Act takes effect January 1, 2014.

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