

AN ACT

relating to the misuse of the name or symbols of the division of workers' compensation of the Texas Department of Insurance in a deceptive manner.

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

SECTION 1. Section 419.001, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of this chapter, a person acts in a "deceptive manner" if the person knows or should know that the person's actions would convey, or could reasonably be interpreted or construed as conveying, the false impression that:

(1) an item is approved, endorsed, sponsored, authorized by, the same as, or associated with the division, the department, this state, or an agency of this state; or

(2) the person represents, speaks for, or has an authorization from the division, the department, this state, or an agency of this state.

SECTION 2. Section 419.002, Labor Code, is amended to read as follows:

Sec. 419.002. MISUSE OF DIVISION'S NAME OR SYMBOLS PROHIBITED. (a) Except as authorized by law, a person, in connection with any impersonation, advertisement, solicitation, business name, business activity, business document, product, or service made or offered by the person regarding workers'

1 compensation coverage or benefits, may not knowingly use or cause
2 to be used in a deceptive manner:

3 (1) the words "Texas Department of Insurance,"
4 "Department of Insurance," "Texas Workers' Compensation," or
5 "division of workers' compensation";

6 (2) any term using both "Texas" and "Workers'
7 Compensation" or any term using both "Texas" and "Workers' Comp";

8 (3) the initials "T.D.I."; or

9 (4) any combination or variation of the words or
10 initials, or any term deceptively similar to the words or initials,
11 described by Subdivisions (1)-(3).

12 (b) A person subject to Subsection (a) may not knowingly use
13 or cause to be used in a deceptive manner a word, term, or initials
14 described by Subsection (a) alone or in conjunction with:

15 (1) the state seal or a representation of the state
16 seal;

17 (2) a picture or map of this state; or

18 (3) the official logo of the department or the
19 division or a representation of the department's or division's
20 logo.

21 SECTION 3. The change in law made by this Act applies only
22 to conduct that occurs on or after the effective date of this Act.
23 Conduct that occurs before the effective date of this Act is
24 governed by the law in effect on the date the conduct occurred, and
25 the former law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2013.

S.B. No. 381

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 381 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 381 passed the House on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor