

1-1 By: Van de Putte S.B. No. 381  
 1-2 (In the Senate - Filed February 5, 2013; February 13, 2013,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 February 27, 2013, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; February 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the misuse of the name or symbols of the division of  
 1-20 workers' compensation of the Texas Department of Insurance in a  
 1-21 deceptive manner.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 419.001, Labor Code, is amended by  
 1-24 adding Subsection (c) to read as follows:

1-25 (c) For purposes of this chapter, a person acts in a  
 1-26 "deceptive manner" if the person knows or should know that the  
 1-27 person's actions would convey, or could reasonably be interpreted  
 1-28 or construed as conveying, the false impression that:

1-29 (1) an item is approved, endorsed, sponsored,  
 1-30 authorized by, the same as, or associated with the division, the  
 1-31 department, this state, or an agency of this state; or

1-32 (2) the person represents, speaks for, or has an  
 1-33 authorization from the division, the department, this state, or an  
 1-34 agency of this state.

1-35 SECTION 2. Section 419.002, Labor Code, is amended to read  
 1-36 as follows:

1-37 Sec. 419.002. MISUSE OF DIVISION'S NAME OR SYMBOLS  
 1-38 PROHIBITED. (a) Except as authorized by law, a person, in  
 1-39 connection with any impersonation, advertisement, solicitation,  
 1-40 business name, business activity, business document, product, or  
 1-41 service made or offered by the person regarding workers'  
 1-42 compensation coverage or benefits, may not knowingly use or cause  
 1-43 to be used in a deceptive manner:

1-44 (1) the words "Texas Department of Insurance,"  
 1-45 "Department of Insurance," "Texas Workers' Compensation," or  
 1-46 "division of workers' compensation";

1-47 (2) any term using both "Texas" and "Workers'  
 1-48 Compensation" or any term using both "Texas" and "Workers' Comp";

1-49 (3) the initials "T.D.I."; or

1-50 (4) any combination or variation of the words or  
 1-51 initials, or any term deceptively similar to the words or initials,  
 1-52 described by Subdivisions (1)-(3).

1-53 (b) A person subject to Subsection (a) may not knowingly use  
 1-54 or cause to be used in a deceptive manner a word, term, or initials  
 1-55 described by Subsection (a) alone or in conjunction with:

1-56 (1) the state seal or a representation of the state  
 1-57 seal;

1-58 (2) a picture or map of this state; or

1-59 (3) the official logo of the department or the  
 1-60 division or a representation of the department's or division's  
 1-61 logo.

2-1 SECTION 3. The change in law made by this Act applies only  
2-2 to conduct that occurs on or after the effective date of this Act.  
2-3 Conduct that occurs before the effective date of this Act is  
2-4 governed by the law in effect on the date the conduct occurred, and  
2-5 the former law is continued in effect for that purpose.

2-6 SECTION 4. This Act takes effect September 1, 2013.

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