

BILL ANALYSIS

C.S.H.B. 2771
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that workers' compensation claims are serious matters for certain emergency response personnel, such as firefighters and emergency medical personnel, because of the dangerous nature of their jobs. Claims are currently restricted by the applicable definition of "course and scope of employment," which the parties contend overlooks the important reality that some emergency response personnel, after receiving notification of an emergency, must travel in a personal vehicle to or from the emergency. The parties further contend that as a result of this oversight, workers' compensation claims made by such personnel have been contested or denied. C.S.H.B. 2771 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2771 amends the Labor Code to establish that the travel of a firefighter or emergency medical personnel en route to an emergency call is considered to be in the course and scope of the firefighter's or emergency medical personnel's employment for purposes of the Texas Workers' Compensation Act.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2771 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 401, Labor Code, is amended by adding Section 401.026 to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 401, Labor Code, is amended by adding Section 401.026 to read as follows:

84R 23917

15.107.714

Substitute Document Number: 84R 23163

Sec. 401.026. APPLICABILITY TO CERTAIN EMERGENCY RESPONSE PERSONNEL. For purposes of this subtitle, an activity of a firefighter or emergency medical personnel in response to an emergency call, including transportation to or from the location of the emergency, is considered to be in the course and scope of the firefighter's or emergency medical personnel's employment.

SECTION 2. This Act takes effect September 1, 2015.

Sec. 401.026. APPLICABILITY TO CERTAIN EMERGENCY RESPONSE PERSONNEL. For purposes of this subtitle, the travel of a firefighter or emergency medical personnel en route to an emergency call is considered to be in the course and scope of the firefighter's or emergency medical personnel's employment.

SECTION 2. Same as introduced version.