

By: Workman, Oliveira, Simmons

H.B. No. 1668

A BILL TO BE ENTITLED

AN ACT

relating to the status of a subcontractor as an employee for the purposes of workers' compensation insurance coverage.

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

SECTION 1. Section 406.122(b), Labor Code, is amended to read as follows:

(b) Unless the general contractor and subcontractor have entered into a written agreement under Section 406.123, a [A] subcontractor and the subcontractor's employees are not employees of the general contractor for purposes of this subtitle if the subcontractor:

(1) is operating as an independent contractor; and

(2) has entered into a written agreement with the general contractor that evidences a relationship in which the subcontractor assumes the responsibilities of an employer for the performance of work.

SECTION 2. The change in law made by this Act applies to a written agreement under Section 406.123, Labor Code, entered into on or after the effective date of this Act. A written agreement entered into before the effective date of this Act is governed by the law in effect on the date the written agreement was entered into, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.