By:  Hinojosa S.B. No. 1323

(In the Senate - Filed March 10, 2021; March 18, 2021, read first time and referred to Committee on Transportation; March 31, 2021, reported favorably by the following vote: Yeas 9, Nays 0; March 31, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Nichols           X

Seliger           X

Alvarado          X

Blanco            X

Hancock           X

Hinojosa          X

Kolkhorst         X

Perry             X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to preemployment physical examinations for employment with the Texas Department of Transportation.

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

SECTION 1.  The heading to Section 505.054, Labor Code, is amended to read as follows:

Sec. 505.054.  PREEMPLOYMENT PHYSICAL [~~REQUIRED~~]; EXAMINING PHYSICIANS.

SECTION 2.  Sections 505.054(a) and (c), Labor Code, are amended to read as follows:

(a)  The department may require that an [~~An~~] individual may not be certified as an employee of the department under this chapter until the individual:

(1)  submits to a physical examination as provided by this section; and

(2)  is certified by the examining physician to be physically fit to perform the duties and services to which the individual is to be assigned.

(c)  The department may [~~shall~~] designate a convenient number of regularly licensed practicing physicians to make physical examinations of individuals [~~employed by or to be employed by the department~~] to determine if the individuals are physically fit for employment with the [~~to be classified as~~] department [~~employees~~].

SECTION 3.  Section 505.054(b), Labor Code, is repealed.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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