

By: J. Davis of Harris

H. B. No. 2015

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the proper classification of workers performing  
3 services under certain governmental contracts; providing a  
4 penalty.

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

6 SECTION 1. Chapter 214, Labor Code, is amended by adding  
7 Section 214.0021 to read as follows:

8                   Sec. 214.0021. MISCLASSIFICATION OF CERTAIN WORKERS;  
9 PENALTY.    (a)    The commission shall adopt rules establishing  
10 criteria for the proper classification, as either an employee or  
11 independent contractor, of an individual who provides services  
12 under a contract with a governmental entity that is entered into  
13 under Chapter 2252, Government Code.

14                   (b) A person who improperly classifies an individual in  
15 violation of rules adopted under Subsection (a) shall pay to the  
16 commission a penalty equal to \$200 for each individual who is not  
17 properly classified.

18                   (c) The commission may not take action to collect a penalty  
19 under this section from a person after the third anniversary of the  
20 date on which the violation occurred.

21 SECTION 2. Not later than December 1, 2013, the Texas  
22 Workforce Commission shall adopt rules as required by Section  
23 214.0021, Labor Code, as added by this Act.

24 SECTION 3. (a) Except as provided by Subsection (b) of this

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1 section, this Act takes effect September 1, 2013.

2 (b) Section 214.0021, Labor Code, as added by this Act,  
3 takes effect January 1, 2014.