

BILL ANALYSIS

Senate Research Center
77R6146 JMM-D

C.S.S.B. 624
By: Duncan
Business & Commerce
3/21/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, under the workers compensation statutes there is no mention of the use of waivers for employees of employers who do not subscribe to the workers compensation system. C.S.S.B. 624 provides that any agreement by an employee to waive a cause of action against an employer prior to the employee's injury or death is void and unenforceable.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 406.033, Labor Code, by adding subsection (e), to prohibit a cause of action described in subsection (a) from being waived by an employee prior to the employee's injury or death. Provides that any agreement by an employee to waive a cause of action or any right described in subsection (a) prior to the employee's injury or death is void and unenforceable.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 624, by amending a different chapter of the Labor Code. The As Filed version proposed to amend Chapter 408K, while the substitute amends Section 406.033 of the Labor Code. The As Filed version proposed a new Section 408.204, providing that a waiver, release, or commutation agreement is not valid, and a new Section 408.205, prohibiting the acceptance or requirement of a waiver.

SECTION 2. Amends the As Filed version by deleting the proposed repeal of Sections 502.024 and 503.024 of the Labor Code and replacing it with a prospective clause.

SECTION 3. Amends the As Filed version by deleting proposed Section 3 and relettering SECTION 4 as SECTION 3, providing the effective date of this Act.