

## **BILL ANALYSIS**

S.B. 1323  
By: Hinojosa  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, physicals by a medical physician are required for all potential new hires by the Texas Department of Transportation (TxDOT). While there are still many traditional positions that should require a physical to confirm that the candidate can perform the essential functions of the job, there are also many modern positions, such as administrative jobs, that have minimal exposure to physical safety concerns and should not require a physical. S.B. 1323 seeks to address this issue by giving TxDOT the discretion to require physicals as a condition of employment.

### **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**

S.B. 1323 amends the Labor Code to give the Texas Department of Transportation (TxDOT) the discretion to do the following:

- prohibit an individual from being certified as a TxDOT employee under provisions relating to workers' compensation coverage for TxDOT employees until the individual submits to, and passes, a physical examination; and
- designate a convenient number of regularly licensed practicing physicians to provide physical examinations of individuals to determine if the individuals are physically fit for TxDOT employment.

The bill repeals a provision establishing that absence of such a physical examination does not bar recovery.

S.B. 1323 repeals Section 505.054(b), Labor Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.