CHAPTER 321

H.B. No. 1762

AN ACT
relating to workers' compensation and other remedies available to an injured temporary employee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 93, Labor Code, is amended by adding Section 93.004 to read as follows:

Sec. 93.004. WORKERS' COMPENSATION INSURANCE COVERAGE. (a) A certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation insurance constitutes proof of workers' compensation insurance coverage for the temporary employment service and the client of the temporary employment service with respect to all employees of the temporary employment service assigned to the client. The state or a political subdivision of the state shall accept a certificate of insurance coverage described by this section as proof of workers' compensation coverage under Chapter 406.

(b) For workers' compensation insurance purposes, if a temporary employment service elects to obtain workers' compensation insurance, the client of the temporary employment service and the temporary employment service are subject to Sections 406.034 and 408.001.

(c) Except as provided by Subsection (d), an employee's election under Section 406.034(b) made with respect to the temporary employment service applies to any client of the temporary employment service, and the employee may not make a separate election under that section with respect to the client.

(d) If an employee elects to retain a common-law right of action under Section 406.034(b) with respect to the temporary employment service, that election does not apply to a client of that temporary employment service if the client is not subject to Section 406.034.

SECTION 2. The change in law made by this Act applies only to a claim based on a work-related injury that occurs on or after the effective date of this Act. A claim based on a work-related injury that occurs before the effective date of this Act is governed by the law in effect on the date the injury occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on April 30, 2013: Yeas 140, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1762 on May 16, 2013: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 322

H.B. No. 1772

AN ACT
relating to the disconnection of electric or gas utility service.

Be it enacted by the Legislature of the State of Texas:

1082
SECTION 1. Subchapter G, Chapter 92, Property Code, is amended by adding Section 92.302 to read as follows:

Sec. 92.302. NOTICE OF UTILITY DISCONNECTION OF NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTY TO MUNICIPALITIES, OWNERS, AND TENANTS. (a) In this section:

(1) “Customer” means a person who is responsible for bills received for electric utility service or gas utility service provided to nonsubmetered master metered multifamily property.

(2) “Nonsubmetered master metered multifamily property” means an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered.

(b) A customer shall provide written notice of a service disconnection to each tenant or owner at a nonsubmetered master metered multifamily property not later than the fifth day after the date the customer receives a notice of service disconnection from an electric service provider or a gas utility. The customer must provide the notice by mail to the tenant’s or owner’s preferred mailing address or hand deliver the notice to the tenant or owner. The written notice must include the customer’s contact information and the tenant’s remedies under Section 92.301. The notice must include the following text in both English and Spanish:

“Notice to residents of (name and address of nonsubmetered master metered multifamily property): Electric (or gas) service to this property is scheduled for disconnection on (date) because (reason for disconnection).”

(c) If the property is located in a municipality, the customer shall provide the same notice described by Subsection (b) to the governing body of that municipality by certified mail. The governing body of the municipality may provide additional notice to the property’s tenants and owners after receipt of the service disconnection notice under this subsection.

(d) A customer is not required to provide the notices described by this section if the customer avoids the disconnection by paying the bill.

SECTION 2. Chapter 17, Utilities Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

Sec. 17.201. DEFINITION. In this subchapter, “nonsubmetered master metered multifamily property” means an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service that is master metered but not submetered.

Sec. 17.202. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) A retail electric provider or a vertically integrated electric utility, not including a municipally owned utility or an electric cooperative, in an area where customer choice has not been introduced shall send a written notice of service disconnection to a municipality before the retail electric provider or vertically integrated electric utility disconnects service to a nonsubmetered master metered multifamily property for nonpayment if:

(1) the property is located in the municipality; and

(2) the municipality establishes an authorized representative to receive the notice as described by Section 17.203(c).

(b) The retail electric provider or vertically integrated electric utility in an area where customer choice has not been introduced shall send a written notice of service disconnection to a municipality before the date electric service is scheduled for disconnection.

Sec. 17.203. ADDITIONAL SAFEGUARDS. (a) The customer safeguards provided by this subchapter are in addition to safeguards provided by other law or agency rules.
(b) This subchapter does not prohibit a municipality or the commission from adopting customer safeguards that exceed the safeguards provided by this chapter.

(c) The commission by rule shall develop a mechanism by which a municipality may provide the commission with the contact information of the municipality’s authorized representative to whom the notice required by Section 17.202 must be sent. The commission shall make the contact information available to the public.

SECTION 3. Chapter 104, Utilities Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

Sec. 104.351. DEFINITIONS. In this subchapter:

(1) “Customer” means any person in whose name gas utility service is billed, including individuals, governmental units at all levels of government, corporate entities, and any other entity with legal capacity to be billed for gas service.

(2) “Gas utility” has the meaning assigned by Section 181.021 but does not include a municipally owned utility or gas utility owned by an electric cooperative.

(3) “Nonsubmetered master metered multifamily property” means an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive gas utility service that is master metered but not submetered.

Sec. 104.352. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR NON-SUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) A gas utility shall send a written notice of service disconnection to a municipality before the gas utility disconnects service to a nonsubmetered master metered multifamily property for nonpayment if:

(1) the property is located in the municipality; and

(2) the municipality establishes an authorized representative to receive the notice as described by Section 104.353(c).

(b) The gas utility shall send the notice required by this section not later than the 10th day before the date gas utility service is scheduled for disconnection.

Sec. 104.353. ADDITIONAL SAFEGUARDS. (a) The customer safeguards provided by this subchapter are in addition to safeguards provided by other law or agency rules.

(b) This subchapter does not prohibit a municipality or the regulatory authority from adopting customer safeguards that exceed the safeguards provided by this chapter.

(c) The regulatory authority by rule shall develop a mechanism by which a municipality may provide the regulatory authority with the contact information of the municipality’s authorized representative to whom the notice required by Section 104.352 must be sent. The regulatory authority shall make the contact information available to the public.

SECTION 4. The change in law made by this Act applies only in regard to disconnection of service for nonpayment of a utility bill issued for a billing period that begins on or after the effective date of this Act.

SECTION 5. This Act takes effect January 1, 2014.

Passed by the House on May 7, 2013: Yeas 132, Nays 0, 2 present, not voting; passed by the Senate on May 17, 2013: Yeas 29, Nays 1.

Approved June 14, 2013.

Effective January 1, 2014.