

## **BILL ANALYSIS**

Senate Research Center  
86R5853 JSC-F

S.B. 1853  
By: Paxton  
Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As a recommendation from the Division of Workers' Compensation's (DWC) Biennial Report to the 86th Legislature, S.B. 1853 amends Section 406.145(f) of the Labor Code to remove the requirement that hiring contractors file the DWC Form-84, Exception to Application of Joint Agreement For Certain Building and Construction Workers, with DWC. This form will continue to be sent to the hiring contractor's insurance carrier and will be available to DWC, if requested.

S.B. 1853 aims to eliminate an unnecessary reporting requirement to DWC. DWC accepts and stores the DWC Form-84, but does not use it to make decisions or process claims. Eliminating this reporting requirement will help clarify DWC's statutory responsibilities and allow system stakeholders and DWC to reallocate resources to more meaningful obligations.

As proposed, S.B. 1853 amends current law relating to certain workers' compensation reporting requirements.

### **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 Section 406.145(f), Labor Code, as follows:

(f) Requires the hiring contractor and independent contractor, if a subsequent hiring agreement is made to which the joint agreement does not apply, to notify in writing:

- (1) the hiring contractor's workers' compensation insurance carrier; and
- (2) the division of worker's compensation of the Texas Department of Insurance (division), on the division's request. Makes nonsubstantive changes throughout.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.