

CHAPTER 373

H.B. No. 1041

An Act relating to the licensing and regulation of labor agents; providing a penalty.

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

SECTION 1. Section 1, Chapter 234, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-5, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

(h) "Common Worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade, combined with the ability to apply those principles or processes. The term does not include an agricultural worker.

SECTION 2. Section 11, Chapter 234, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-5, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. **PROHIBITED ACTS; PENALTY.** (a) ~~[DOING BUSINESS WITHOUT LI~~
~~ICENSE.]~~ Any person acting as a Labor Agent, as defined by this Act, without having first filed with the Commissioner of Labor and Standards of the State of Texas[;] an application for license as Labor Agent, as provided by this Act, and without having first secured a State license as provided, *commits an offense* ~~[shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not less than Fifty Dollars (\$50) nor more than Three Hundred Dollars (\$300)].~~

(b) A licensee who violates any provision of this Act commits an offense.

(c) An offense under this section is a Class A misdemeanor.

SECTION 3. This Act takes effect September 1, 1985.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 25, 1985, by a non-record vote; passed by the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: September 1, 1985