

CHAPTER 316

S.B. No. 498

AN ACT

relating to the provision of workers' compensation insurance for certain agricultural workers.

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

SECTION 1. Subsection (h), Section 2b, Article 8306, Revised Statutes, is amended to read as follows:

(h) A person who subscribes to a workers' compensation insurance policy covering farm or ranch laborers may cover himself, a partner, a corporate officer, or a family member in that policy. The insurance policy must specifically name the individual to be covered, and the elected coverage continues while the policy is in effect and the named individual is endorsed on the policy. *A member of an employer's family is exempt from coverage under the policy unless covered voluntarily as provided by this section.*

SECTION 2. Section 2b, Article 8306, Revised Statutes, is amended by adding Subsection (k) to read as follows:

*(k) A farm or ranch worker who performs work or provides a service for the benefit of a farm or ranch employer subject to this section is an employee of that employer unless the worker is hired to perform the work or provide the service as an employee of a person acting as an independent contractor. For the purposes of this section, "independent contractor" means a person, other than a labor agent, who contracts with a farm or ranch employer to perform work or provide a service for the benefit of that employer and who ordinarily:*

*(1) acts as the employer of the worker by paying wages, directing worker activities, and performing other similar functions characteristic of an employer/employee relationship;*

*(2) is free to determine the manner in which the work or service is performed, including but not limited to the hours of labor or the method of payment;*

*(3) is required to furnish necessary tools, supplies, or materials to perform the work or service; and*

*(4) possesses skills required for the specific work or service.*

SECTION 3. This Act takes effect September 1, 1987.

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 the Senate on May 11, 1987, by a viva-voce vote. Passed the House on May 29, 1987, by a non-record vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.