

**TEMPORARY COMMON WORKER EMPLOYERS**  
*Administrative Rules of the Texas Department of Licensing and Regulation*  
*16 Texas Administrative Code, Chapter 64*

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**64.1. Authority.** *(Amended effective April 3, 2001, 26 TexReg 2537; amended effective December 1, 2003, 28 TexReg 10452)*

- (a) The sections in this Chapter are promulgated under the authority of the Texas Labor Code, Chapter 92, and the Texas Occupations Code, Chapters 51 and 53.
- (b) Regulatory, administrative, and licensing activities under Texas Labor Code, Chapter 92 shall be carried out by the department and executive director under Texas Occupations Code, Chapter 51.

**64.10. Definitions.** *(Amended effective April 3, 2001, 26 TexReg 2537; amended effective March 1, 2006, 31 TexReg 1267)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Consumer**--A common worker and/or a user of common workers as defined in Texas Labor Code, Chapter 92.
- (2) **Place of Business**--A location, including a labor hall at which a person operates as a temporary common worker employer.
- (3) **Registered agent**--The individual or entity, designated by the temporary common worker employer to which all departmental communications or correspondence will be addressed.

**64.20. Licensing Requirements General.** *(Amended effective December 1, 2003, 28 TexReg 10452; amended effective March 1, 2006, 31 TexReg 1267)*

- (a) A separate application and fee must be submitted for each place of business operated in the state.
- (b) All applications shall be submitted on a department-approved form and must be completed.
- (c) The application for a license must include a certificate of insurance showing coverage as required in §64.70(f).

**64.70. Duties of a License Holder.** *(Amended effective April 3, 2001, 26 TexReg 2537; amended effective December 1, 2003, 28 TexReg 10452; amended effective March 1, 2006, 31 TexReg 1267)*

- (a) A license holder must display the license in a conspicuous place in each place of business operated by the license holder in the state.
- (b) A license holder must notify the department, in writing, of any changes in information regarding location or ownership, no later than 30 days after the change occurs.
- (c) A license holder shall provide employees and consumers with access to the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department.
- (d) A license holder must allow department representatives, as part of an inspection or investigation, to enter the business premises during regular business hours and examine and copy any records that relate directly or indirectly to the inspection or investigation being conducted. The department representatives may inspect all records, books, and documents, whether paper or electronic, pertaining to the business operation.
- (e) A license holder shall comply with the terms and provisions of, including payment of the common workers, of contracts entered into between the license holder and consumers.
- (f) A license holder shall maintain a policy of insurance with an insurance carrier authorized to do business in the State of Texas in the amount of at least \$100,000 per occurrence and \$300,000 aggregate, which insures the license holder against liability for damage to persons or property arising out of the license holder's operation, or ownership of any motor vehicle for the transportation of individuals in connection with their business, activities or operations as a temporary common worker employer.

- (g) All vehicles used by a license holder for the transportation of common workers shall:
  - (1) have displayed prominently on the vehicle the name of the temporary common worker employer and the number of their license issued by the department;
  - (2) be equipped with one 10 pound BC fire extinguisher or two 5 pound BC fire extinguishers; and
  - (3) comply with all applicable Texas vehicle inspection and safety regulations.
- (h) Each license holder shall, semimonthly or at the time of each payment of wages, furnish each client/worker employed by the labor hall either a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing in detail each and every deduction made from the wages.

**64.72. Licensee Labor Hall Responsibilities.** *(Amended effective March 1, 2006, 31 TexReg 1267)*

- (a) An attendant must be on the labor hall premises as an agent for legal process for the temporary common worker employer at all times that common workers are on the premises during normal business hours.
- (b) The labor hall premises must have a lobby or waiting room with a floor area not less than 450 square feet. The lobby or waiting room must have adequate heat and ventilation.
- (c) A labor hall may allow the pick-up or drop-off of workers only in a safe location.
- (d) The sale of alcoholic beverages on the premises of a labor hall is prohibited.
- (e) Prostitution, gambling, intoxication, illegal drug dealing, or illegal drug use on the premises of a labor hall is prohibited.
- (f) Knowingly furnishing any person for immoral or illegal purposes, or causing to be sent any person to enter as a servant, inmate, or for any purpose whatsoever, to any place of bad repute, house of ill fame, or assignation house, or any house or place of amusement kept for illegal or immoral purposes, the character of which the license holder could have ascertained by reasonable diligence, is prohibited.
- (g) Knowingly sending a common worker to a place where a strike or lockout exists without first informing the common worker with a written statement of the existence of the strike or lockout is prohibited.
- (h) Knowingly furnishing employment to a child, as defined by federal and state statute, in violation of statutes regulating the employment of children or the compulsory attendance at school is prohibited.
- (i) A license holder shall comply with the provisions of all applicable federal, state, and local statutes, ordinances, regulations or codes, including but not limited to, State Department of Health Services food service sanitation regulations, mechanical, building, electrical, fire prevention, and life safety codes.
- (j) A license holder that violates a prohibition, statute, ordinance or code set forth above may have its license suspended revoked, or the department may refuse to renew its license under Texas Occupations Code §51.353.

**64.80. Fees.** *(Amended effective October 1, 1995, 20 TexReg 7278; amended effective February 25, 1999, 23 TexReg 1305; amended effective September 1, 2003, 28 TexReg 7362; amended effective March 1, 2006, 31 TexReg 1267; amended effective March 1, 2008, 33 TexReg 1524; amended effective January 1, 2014, 38 TexReg 9506)*

- (a) The non-refundable application fee for an initial license is \$30.
- (b) The non-refundable application fee for a renewal license is \$150 for licenses expiring before February 1, 2014; \$30 for licenses expiring on or after February 1, 2014.
- (c) Revised/Duplicate License/Certificate/Permit/Registration--\$25

- (d) Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).