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To: Texas Workers' Compensation Insurance Carriers

From: Kara Mace, Deputy Commissioner, Legal Services

Date: October 7, 2021

RE: Revised DWC Forms: Joint Agreements, DWC Forms 081-085

The Texas Department of Insurance, Division of Workers' Compensation (DWC) has adopted revised forms:

- *DWC Form-081, Agreement Between General Contractor and Subcontractor to Provide Workers' Compensation Insurance;*
- *DWC Form-082, Agreement Between Motor Carrier and Owner Operator to Provide Workers' Compensation Insurance and Agreement to Require Owner Operator to Act as Employer;*
- *DWC Form-083, Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers and Agreement to Establish Employer-employee Relationship for Certain Building and Construction Workers;*
- *DWC Form-084, Exception to Application of Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers; and*
- *DWC Form-085, Agreement Between General Contractor and Subcontractor to Establish Independent Relationship.*

The forms are available for immediate use. We posted the draft forms online from August 31, 2021, to September 17, 2021.

The adoption of these forms are necessary to allow certain general contractors and subcontractors, including motor carriers, owner operators, and certain building and construction workers, to agree on who will provide workers' compensation insurance coverage to the subcontractor and the employees of the subcontractor. The Labor Code

also allows them to agree that the independent contractor is not an employee of the hiring contractor, and the hiring contractor is not responsible for workers' compensation insurance coverage for the independent contractor. Parties can use DWC Forms 081-085 to agree on these relationships.

Parties may use the adopted form immediately. The forms are on the [TDI website](#).