

By: Farias, Turner of Harris, Elkins,
Thompson

H.B. No. 2360

A BILL TO BE ENTITLED

AN ACT

relating to the provision by employers of information regarding
employee eligibility for the federal earned income tax credit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Labor Code, is amended by adding Chapter
104 to read as follows:

CHAPTER 104. EMPLOYER INFORMATION REGARDING EARNED INCOME TAX

CREDIT

Sec. 104.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who is employed by
an employer for compensation.

(2) "Employer" means a person who employs one or more
employees.

Sec. 104.002. REQUIRED INFORMATION. Each employer shall
provide the employer's employees annually, at the time the employer
provides the employee with the employee's Internal Revenue Service
Form W-2, information regarding general eligibility requirements
for the federal earned income tax credit.

Sec. 104.003. PROVISION OF INFORMATION TO EMPLOYEES. (a)
An employer may provide the information required by Section 104.002
by providing:

(1) Internal Revenue Service publications relating to
the federal earned income tax credit or information prepared by the
comptroller under Section 403.025, Government Code, relating to

1 that credit; or

2 (2) federal income tax forms necessary to claim the
3 federal earned income tax credit.

4 (b) An employer may not satisfy the requirements of Section
5 104.002 solely by posting information in the place of employment.
6 The employer must provide the required information in person or by
7 mailing the documents described by Subsection (a) to the employee
8 at the employee's last known address by first class mail.

9 Sec. 104.004. COMMISSION DUTIES; RULES. (a) The
10 commission periodically shall notify employers regarding the
11 requirement adopted under Section 104.002. The commission shall
12 provide the notice as part of any other periodic notice sent to
13 employers and shall also post the notice on the commission's
14 Internet website.

15 (b) If the commission adopts rules under Section 301.067
16 regarding employer requirements under this chapter, each employer
17 shall provide the information required by Section 104.002 in the
18 manner prescribed by those rules.

19 SECTION 2. Section 301.067, Labor Code, is amended by
20 adding Subsection (d) to read as follows:

21 (d) The commission may adopt rules as necessary to implement
22 this section, including rules regarding the information that
23 employers must provide under Chapter 104 regarding employee
24 eligibility for the federal earned income tax credit.

25 SECTION 3. Section 403.025, Government Code, is amended by
26 adding Subsection (d) to read as follows:

27 (d) The comptroller shall produce and make available to

1 employers, by a written notice and a posting on the comptroller's
2 Internet website, a form that includes information:

3 (1) regarding the federal earned income tax credit for
4 distribution under Chapter 104, Labor Code; and

5 (2) explaining the availability of and contact
6 information for local volunteer income tax assistance programs.

7 SECTION 4. This Act takes effect September 1, 2009.