

By: Shaheen

H.B. No. 4612

A BILL TO BE ENTITLED

AN ACT

relating to the collecting of wages for child support payments.

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

Section 1. Section 234.101, Family Code, is amended to read as follows:

Sec. 234.101. DEFINITIONS. In this subchapter:

(1) "Employee" means an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as defined by the Internal Revenue Service. The term does not include an employee of a state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting employee information under this subchapter could endanger the safety of the employee or compromise an ongoing investigation or intelligence activity.

(2) "Employer" has the meaning given that term by Section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. Section 3401(d)) and includes a governmental entity and a labor organization, as that term is identified in Section 2(5) of the National Labor Relations Act (29 U.S.C. Section 152(5)), including an entity, also known as a "hiring hall," used by the labor organization and an employer to carry out requirements of an agreement between the organization and an employer described in Section 8(f)(3) of that Act (29 U.S.C. Section 158(f)(3)).

1 (3) "Newly hired employee" means an employee who:

2 (A) has not been previously employed by the
3 employer; or

4 (B) was previously employed by the employer but
5 has been separated from that employment for at least 60 consecutive
6 days.

7 (c) Licenses Transportation Network Companies as defined
8 by Section 2402 of the Occupation Code,

9 (d) Other technology platforms used for deliveries, short
10 term rentals using technology platforms for transactions.

11 Section 2. Section 234.105, Family Code, is amended to read
12 as follows:

13 Sec. 234.105. CIVIL PENALTY. (a) In addition to any other
14 remedy provided by law, an employer who knowingly violates a
15 procedure adopted under Section 234.104 for reporting employee
16 information may be liable for a civil penalty as permitted by
17 Section 453A(d) of the federal Social Security Act (42 U.S.C.
18 Section 653a).

19 (b) The amount of the civil penalty may not exceed:

20 (1) \$25 for each occurrence in which an employer fails
21 to report an employee; or

22 (2) \$500 for each occurrence in which the conduct
23 described by Subdivision (1) is the result of a conspiracy between
24 the employer and an employee to not supply a required report or to
25 submit a false or incomplete report.

26 (c) The attorney general may sue to collect the civil
27 penalty. A penalty collected under this section shall be deposited

1 in a special fund in the state treasury.

2 (d) Licenses Transportation Network Companies as defined by
3 Section 2402 of the Occupation Code,

4 (e) Other technology platforms used for deliveries, short
5 term rentals using technology platforms for transactions.

6 Section 3. Section 158.210, Family Code, is amended to read
7 as follows:

8 Sec. 158.210. FINE FOR NONCOMPLIANCE. (a) In addition to
9 the civil remedies provided by this subchapter or any other remedy
10 provided by law, an employer who knowingly violates the provisions
11 of this chapter may be subject to a fine not to exceed \$200 for each
12 occurrence in which the employer fails to:

13 (1) withhold income for child support as instructed in
14 an order or writ issued under this chapter; or

15 (2) remit withheld income within the time required by
16 Section 158.203 to the payee identified in the order or writ or to
17 the state disbursement unit.

18 (b) A fine recovered under this section shall be paid to the
19 county in which the obligee resides and shall be used by the county
20 to improve child support services.

21 (c) Licenses Transportation Network Companies as defined by
22 Section 2402 of the Occupation Code,

23 (d) Other technology platforms used for deliveries, short
24 term rentals using technology platforms for transactions.

25 Section 4. Section 158.214, Family Code, is amended to read
26 as follows:

27 Sec. 158.214. WITHHOLDING FROM SEVERANCE PAY. (a) In this

1 section, "severance pay" means income paid on termination of
2 employment in addition to the employee's usual earnings from the
3 employer at the time of termination.

4 (b) An employer receiving an order or writ of withholding
5 under this chapter shall withhold from any severance pay owed an
6 obligor an amount equal to the amount the employer would have
7 withheld under the order or writ if the severance pay had been paid
8 as the obligor's usual earnings as a current employee.

9 (c) The total amount that may be withheld under this section
10 is subject to the maximum amount allowed to be withheld under
11 Section [158.009](#).

12 Section 5. Section [101.011](#), Family Code, is amended to read
13 as follows:

14 Sec. 101.011. EARNINGS. "Earnings" means a payment to or
15 due an individual, regardless of source and how denominated. The
16 term includes a periodic or lump-sum payment for:

17 (1) wages, salary, compensation received as an
18 independent contractor, overtime pay, severance pay, commission,
19 bonus, and interest income;

20 (2) payments made under a pension, an annuity,
21 workers' compensation, and a disability or retirement program;

22 (3) unemployment benefits,

23 (4) Licenses Transportation Network Companies as
24 defined by Section 2402 of the Occupation Code,

25 (5) Other technology platforms used for deliveries,
26 short term rentals using technology platforms for transactions.

27 SECTION 6. This Act takes effect immediately if it receives a

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1 vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.