

BILL ANALYSIS

C.S.H.B. 458
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Office of the Attorney General (OAG) reports that employers withholding employees' wages constitutes over 80 percent of all child support collections in cases enforced by the OAG's child support division, but there are concerns that the laws governing wage withholding for child support do not adequately address collections from those working for transportation network companies or for certain technology platforms used for deliveries. As with these types of collections in general, allowing income withholding for child support from individuals working in these jobs would provide for more consistent and reliable support for children and families and avoid arrears accumulation due to inadvertently missed payments. C.S.H.B. 458 seeks to address this issue by changing certain applicable statutory definitions to include transportation network companies and certain technology platforms used for deliveries.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 458 amends the Family Code to include compensation from a transportation network company and compensation from a person that operates a technology platform used to make deliveries to customers among the types of periodic or lump-sum payments that are considered earnings, with respect to definitions that are generally applicable to statutes relating to the parent-child relationship and the suit affecting the parent-child relationship.

C.S.H.B. 458 changes the definitions applicable to provisions relating to the Title IV-D agency's development and operations of the state directory of new hires to provide the following:

- a driver who logs in to the digital network of a transportation network company, regardless of whether the driver is considered an independent contractor, and an individual who logs in to or otherwise uses a technology platform to make deliveries for compensation are included among the persons who are considered employees;
- a transportation network company and a person that operates a technology platform used to make deliveries to customers are included among the persons who are considered employers; and
- an employee who has not received earnings from the employer and an employee who was previously employed by the employer but has not received earnings from the employer for at least 60 consecutive days are included among the persons who are considered newly hired employees.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 458 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions relating to requirements that the fine for an employer's noncompliance be paid to the county in which the obligee resides and that the fine instead be deposited in a special fund in the state treasury and does not include a procedural provision relating to the application of those requirements to a fine imposed on or after the bill's effective date. The substitute also does not include an authorization for the attorney general to bring an action to collect the fine.

The substitute changes the bill provision establishing that a driver who logs in to the digital network of a transportation network company is considered an employee for purposes of the state directory of new hires by adding the specification that such consideration applies regardless of whether the driver is considered an independent contractor.