

By: Shaheen, Neave, Morales of Maverick,
Krause, Jetton

H.B. No. 458

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the collection and enforcement of withholding of income
3 for the payment of child support.

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

5 SECTION 1. Section 101.011, Family Code, is amended to read
6 as follows:

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

10 (1) wages, salary, compensation received as an
11 independent contractor, overtime pay, severance pay, commission,
12 bonus, and interest income;

13 (2) payments made under a pension, an annuity,
14 workers' compensation, and a disability or retirement program;
15 [~~and~~]

16 (3) unemployment benefits;

17 (4) compensation from a transportation network
18 company as defined by Section 2402.001, Occupations Code; and

19 (5) compensation from a person that operates a
20 technology platform used to make deliveries to customers.

21 SECTION 2. Section 234.101, Family Code, is amended to read
22 as follows:

23 Sec. 234.101. DEFINITIONS. In this subchapter:

24 (1) "Employee" means an individual who is an employee

1 within the meaning of Chapter 24 of the Internal Revenue Code of
2 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as
3 defined by the Internal Revenue Service. The term includes a driver
4 who logs in to the digital network of a transportation network
5 company, as those terms are defined by Section 2402.001,
6 Occupations Code, regardless of whether the driver is considered an
7 independent contractor under Section 2402.114, Occupations Code,
8 and an individual who logs in to or otherwise uses a technology
9 platform to make deliveries for compensation. The term does not
10 include an employee of a state agency performing intelligence or
11 counterintelligence functions if the head of the agency has
12 determined that reporting employee information under this
13 subchapter could endanger the safety of the employee or compromise
14 an ongoing investigation or intelligence activity.

15 (2) "Employer" has the meaning given that term by
16 Section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C.
17 Section 3401(d)) and includes a governmental entity and a labor
18 organization, as that term is identified in Section 2(5) of the
19 National Labor Relations Act (29 U.S.C. Section 152(5)), including
20 an entity, also known as a "hiring hall," used by the labor
21 organization and an employer to carry out requirements of an
22 agreement between the organization and an employer described in
23 Section 8(f)(3) of that Act (29 U.S.C. Section 158(f)(3)). The term
24 includes a transportation network company, as defined by Section
25 2402.001, Occupations Code, and a person that operates a technology
26 platform used to make deliveries to customers.

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

1 (A) has not [~~been~~] previously been employed by or
2 received earnings from the employer; or

3 (B) was previously employed by the employer but
4 has been separated from that employment or has not received
5 earnings from the employer for at least 60 consecutive days.

6 SECTION 3. This Act takes effect September 1, 2021.