

By: Shaheen

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 158.210(b), Family Code, is amended to
22 read as follows:

23 (b) A fine recovered under this section shall be deposited
24 in a special fund in the state treasury ~~[paid to the county in which~~

1 ~~the obligee resides and shall be used by the county to improve child~~
2 ~~support services]~~. The attorney general may bring an action to
3 collect a fine imposed under this section.

4 SECTION 3. Section 234.101, Family Code, is amended to read
5 as follows:

6 Sec. 234.101. DEFINITIONS. In this subchapter:

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

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

1 Section 8(f)(3) of that Act (29 U.S.C. Section 158(f)(3)). The term
2 includes a transportation network company, as defined by Section
3 2402.001, Occupations Code, and a person that operates a technology
4 platform used to make deliveries to customers.

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

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

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

11 SECTION 4. The change in law made by this Act to Section
12 158.210(b), Family Code, with respect to the deposit of a fine
13 applies only to a fine imposed on or after the effective date of
14 this Act. A fine imposed before that date is governed by the law in
15 effect on the date the fine was imposed, and the former law is
16 continued in effect for that purpose.

17 SECTION 5. This Act takes effect September 1, 2021.