

1-1 By: Shaheen, et al. (Senate Sponsor - Zaffirini) H.B. No. 458
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 11, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 18, 2021, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 18, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the collection and enforcement of withholding of income
 1-20 for the payment of child support.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 101.011, Family Code, is amended to read
 1-23 as follows:

1-24 Sec. 101.011. EARNINGS. "Earnings" means a payment to or
 1-25 due an individual, regardless of source and how denominated. The
 1-26 term includes a periodic or lump-sum payment for:

1-27 (1) wages, salary, compensation received as an
 1-28 independent contractor, overtime pay, severance pay, commission,
 1-29 bonus, and interest income;

1-30 (2) payments made under a pension, an annuity,
 1-31 workers' compensation, and a disability or retirement program;
 1-32 [~~and~~]

1-33 (3) unemployment benefits;

1-34 (4) compensation from a transportation network
 1-35 company as defined by Section 2402.001, Occupations Code; and

1-36 (5) compensation from a person that operates a
 1-37 technology platform used to make deliveries to customers.

1-38 SECTION 2. Section 234.101, Family Code, is amended to read
 1-39 as follows:

1-40 Sec. 234.101. DEFINITIONS. In this subchapter:

1-41 (1) "Employee" means an individual who is an employee
 1-42 within the meaning of Chapter 24 of the Internal Revenue Code of
 1-43 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as
 1-44 defined by the Internal Revenue Service. The term includes a driver
 1-45 who logs in to the digital network of a transportation network
 1-46 company, as those terms are defined by Section 2402.001,
 1-47 Occupations Code, regardless of whether the driver is considered an
 1-48 independent contractor under Section 2402.114, Occupations Code,
 1-49 and an individual who logs in to or otherwise uses a technology
 1-50 platform to make deliveries for compensation. The term does not
 1-51 include an employee of a state agency performing intelligence or
 1-52 counterintelligence functions if the head of the agency has
 1-53 determined that reporting employee information under this
 1-54 subchapter could endanger the safety of the employee or compromise
 1-55 an ongoing investigation or intelligence activity.

1-56 (2) "Employer" has the meaning given that term by
 1-57 Section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C.
 1-58 Section 3401(d)) and includes a governmental entity and a labor
 1-59 organization, as that term is identified in Section 2(5) of the
 1-60 National Labor Relations Act (29 U.S.C. Section 152(5)), including
 1-61 an entity, also known as a "hiring hall," used by the labor

2-1 organization and an employer to carry out requirements of an
2-2 agreement between the organization and an employer described in
2-3 Section 8(f)(3) of that Act (29 U.S.C. Section 158(f)(3)). The term
2-4 includes a transportation network company, as defined by Section
2-5 2402.001, Occupations Code, and a person that operates a technology
2-6 platform used to make deliveries to customers.

2-7 (3) "Newly hired employee" means an employee who:
2-8 (A) has not [~~been~~] previously been employed by or
2-9 received earnings from the employer; or
2-10 (B) was previously employed by the employer but
2-11 has been separated from that employment or has not received
2-12 earnings from the employer for at least 60 consecutive days.

2-13 SECTION 3. This Act takes effect September 1, 2021.

2-14

* * * * *