

## **BILL ANALYSIS**

Senate Research Center  
87R15986 EAS-F

H.B. 458  
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State Affairs  
5/14/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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 persons 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.

H.B. 458 would 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.

H.B. 458 amends current law relating to the collection and enforcement of withholding of income for the payment of child support.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 101.011, Family Code, to redefine, for purposes of Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), "earnings" to include compensation from a transportation network company as defined by Section 2402.001 (Definitions), Occupations Code, and compensation from a person that operates a technology platform used to make deliveries to customers.

SECTION 2. Amends Section 234.101, Family Code, to redefine, for purposes of Subchapter B (State Directory of New Hires), "employee," to include a driver who logs in to the digital network of a transportation network company, as those terms are defined by Section 2402.001, Occupations Code, regardless of whether the driver is considered an independent contractor under Section 2402.114 (Drivers as Independent Contractors), Occupations Code, and an individual who logs in to or otherwise uses a technology platform to make deliveries for compensation; "employer," to include a transportation network company, as defined by Section 2402.001, Occupations Code, and a person that operates a technology platform used to make deliveries to customers; and "newly hired employee."

SECTION 3. Effective date: September 1, 2021.