(a) The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

1. Special Agents of the Federal Bureau of Investigation;
2. Special Agents of the Secret Service;
3. Special Agents of the United States Immigration and Customs Enforcement;
4. Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives;
5. Special Agents of the United States Drug Enforcement Administration;
6. Inspectors of the United States Postal Inspection Service;
7. Special Agents of the Criminal Investigation Division of the Internal Revenue Service;
8. Civilian Special Agents of the United States Naval Criminal Investigative Service;
9. Marshals and Deputy Marshals of the United States Marshals Service;
10. Special Agents of the United States Department of State, Bureau of Diplomatic Security;
11. Special Agents of the Treasury Inspector General for Tax Administration; and
12. Special Agents of the Office of Inspector General of the United States Social Security Administration;
13. Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs;

SECTION 2. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 17, 2013: Yeas 130, Nays 4, two present not voting.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 742

S.B. No. 355

AN ACT
relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order, authorizing a surcharge.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 2.009, Family Code, is amended to read as follows:

(c) On the proper execution of the application, the clerk shall:

1. Prepare the license;
2. Enter on the license the names of the licensees, the date that the license is issued, and, if applicable, the name of the person appointed to act as proxy for an absent applicant, if any;

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(3) record the time at which the license was issued;
(4) distribute to each applicant printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) and note on the license that the distribution was made; and
(5) inform each applicant:
   (A) that a premarital education handbook developed by the child support division of the office of the attorney general under Section 2.014 is available on the child support division's Internet website; or
   (B) if the applicant does not have Internet access, how the applicant may obtain a paper copy of the handbook described by Paragraph (A).

SECTION 2. Subsections (b) and (c), Section 2.014, Family Code, are amended to read as follows:

(b) Money in the trust fund is derived from depositing $3 of each marriage license fee as authorized under Section 118.018(c), Local Government Code, and may be used only for:
   (1) the development of a premarital education handbook;
   (2) grants to institutions of higher education having academic departments that are capable of research on marriage and divorce that will assist in determining programs, courses, and policies to help strengthen families and assist children whose parents are divorcing;
   (3) support for counties to create or administer free or low-cost premarital education courses;
   (4) programs intended to reduce the amount of delinquent child support; and
   (5) other programs the attorney general determines will assist families in this state.

(c) The premarital education handbook under Subsection (b)(1) shall be made available to each applicant for a marriage license as provided by Section 2.009(c)(5) and shall contain information on:
   (1) conflict management;
   (2) communication skills;
   (3) children and parenting responsibilities; and
   (4) financial responsibilities.

SECTION 3. Section 82.004, Family Code, is amended to read as follows:
Sec. 82.004. CONTENTS OF APPLICATION. An application must state:
(1) the name and county of residence of each applicant;
(2) the name and county of residence of each individual alleged to have committed family violence; 
(3) the relationships between the applicants and the individual alleged to have committed family violence; 
(4) a request for one or more protective orders; and
(5) whether an applicant is receiving services from the Title IV-D agency in connection with a child support case and, if known, the agency case number for each open case.

SECTION 4. Subsection (a), Section 85.042, Family Code, is amended to read as follows:
(a) The clerk of the court issuing an original or modified protective order under this subtitle shall send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b)(6), Government Code, to:
   (1) the chief of police of the municipality in which the person protected by the order resides, if the person resides in a municipality;
   (2) the appropriate constable and the sheriff of the county in which the person resides, if the person does not reside in a municipality; and
   (3) the Title IV-D agency, if the application for the protective order indicates that the applicant is receiving services from the Title IV-D agency.
SECTION 5. Subsection (a-2), Section 156.401, Family Code, is amended to read as follows:

(a-2) A court or administrative order for child support in a Title IV-D case may be modified at any time, and without a showing of material and substantial change in the circumstances of the child or a person affected by the order, [as provided under Section 233.013(e)] to provide for medical support of the [a] child if the order does not provide health care coverage as required under Section 154.182.

SECTION 6. Section 158.106, Family Code, is amended to read as follows:

Sec. 158.106. REQUIRED FORMS FOR INCOME WITHHOLDING. (a) The Title IV-D agency shall prescribe forms as required by federal law in a standard format entitled order or notice to withhold income for child support under this chapter.

(b) The Title IV-D agency shall make the required [appropriate] forms available to obligors, obligees, domestic relations offices, friends of the court, clerks of the court, and private attorneys.

(c) The Title IV-D agency may prescribe additional forms for the efficient collection of child support from earnings and to promote the administration of justice for all parties.

(d) The forms prescribed by the Title IV-D agency under this section shall [may] be used:

(1) for an order or judicial writ of income withholding under this chapter; and

(2) to request voluntary withholding under Section 158.011.

SECTION 7. Section 158.203, Family Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) In a case in which an obligor's income is subject to withholding, the employer shall remit the payment of child support directly to [a local registry, the Title IV-D agency, or to] the state disbursement unit.

(e) The state disbursement unit may impose on an employer described by Subsection (b) a payment processing surcharge in an amount of not more than $25 for each remittance made on behalf of an employee that is not made by electronic funds transfer or electronic data exchange. The payment processing surcharge under this subsection may not be charged against the employee or taken from amounts withheld from the employee's wages.

(f) The state disbursement unit shall:

(1) notify an employer described by Subsection (b) who fails to remit withheld income by electronic funds transfer or electronic data exchange that the employer is subject to a payment processing surcharge under Subsection (e); and

(2) inform the employer of the amount of the surcharge owed and the manner in which the surcharge is required to be paid to the unit.

SECTION 8. Subsection (e), Section 201.101, Family Code, is amended to read as follows:

(e) If a county has entered into a contract with the Title IV-D agency under Section 231.0011, enforcement services may be directly provided in cases identified under the contract by county personnel as provided under Section 231.0011(d), including judges and associate judges of the courts of the county.

SECTION 9. Section 231.002, Family Code, is amended by adding Subsection (j) to read as follows:

(j) In the enforcement or modification of a child support order, the Title IV-D agency is not:

(1) subject to a mediation or arbitration clause or requirement in the order to which the Title IV-D agency was not a party; or

(2) liable for any costs associated with mediation or arbitration arising from provisions in the order or another agreement of the parties.

SECTION 10. Section 231.204, Family Code, is amended to read as follows:

Sec. 231.204. PROHIBITED FEES IN TITLE IV-D CASES. Except as provided by this subchapter, an appellate court, a clerk of an appellate court, a district or county clerk, sheriff, constable, or other government officer or employee may not charge the Title IV-D
agency or a private attorney or political subdivision that has entered into a contract to provide Title IV-D services any fees or other amounts otherwise imposed by law for services rendered in, or in connection with, a Title IV-D case, including:

(1) a fee payable to a district clerk for:
   (A) performing services related to the estates of deceased persons or minors;
   (B) certifying copies; or
   (C) comparing copies to originals;
(2) a court reporter fee, except as provided by Section 231.209;
(3) a judicial fund fee;
(4) a fee for a child support registry, enforcement office, or domestic relations office;
(5) a fee for alternative dispute resolution services; and
(6) a filing fee or other costs payable to a clerk of an appellate court; and
(7) a statewide electronic filing system fund fee.

SECTION 11. Subsection (a), Section 232.0135, Family Code, is amended to read as follows:

(a) A child support agency, as defined by Section 101.004, may provide notice to a licensing authority concerning an obligor who has failed to pay child support under a support order for six months or more that requests the authority to refuse to approve an application for issuance of a license to the obligor or renewal of an existing license of the obligor.

SECTION 12. Subsections (a) and (b), Section 233.013, Family Code, are amended to read as follows:

(a) The Title IV-D agency may use any information obtained by the agency from the parties or any other source and shall apply the child support guidelines provided by this code to determine the appropriate amount of child support. In determining the appropriate amount of child support, the agency may consider evidence of the factors a court is required to consider under Section 154.123(b), and, if the agency deviates from the guidelines in determining the amount of monthly child support, with or without the agreement of the parties, the child support review order must include the findings required to be made by a court under Section 154.130(b).

(b) If it has been three years since a child support order was rendered or last modified and the amount of the child support award under the order differs by either 20 percent or $100 from the amount that would be awarded under the child support guidelines, the Title IV-D agency may file an appropriate child support review order, including an order that has the effect of modifying an existing court or administrative order for child support without the necessity of filing a motion to modify.

SECTION 13. Section 233.019, Family Code, is amended by adding Subsection (e) to read as follows:

(e) If a party timely files a motion for a new trial for reconsideration of an agreed review order and the court grants the motion, the agreed review order filed with the clerk constitutes a sufficient pleading by the Title IV-D agency for relief on any issue addressed in the order.

SECTION 14. The heading to Section 233.027, Family Code, is amended to read as follows:

Sec. 233.027. NONAGREED ORDER AFTER HEARING; EFFECT OF CONFIRMATION ORDER.

SECTION 15. Subsections (a) and (c), Section 233.027, Family Code, are amended to read as follows:

(a) After the hearing on the confirmation of a nonagreed child support review order, the court shall:

(1) if the court finds that the nonagreed order should be confirmed, immediately sign the nonagreed order and enter the order as a final order of the court;
(2) if the court finds that the relief granted in the nonagreed child support review order is inappropriate, sign an appropriate order at the conclusion of the hearing or as soon after the conclusion of the hearing as is practical and enter the order as an order of the court; or

(3) if the court finds that all relief should be denied, enter an order that denies relief and includes specific findings explaining the reasons that relief is denied.

(c) If the party who requested the hearing fails to appear at the hearing, the court shall sign the nonagreed order and enter the order as an order of the court.

SECTION 16. Subsections (a), (b), and (c), Section 234.007, Family Code, are amended to read as follows:

(a) A [The Title IV-D agency shall notify the courts that the state disbursement unit has been established. After receiving notice of the establishment of the state disbursement unit, a] court that orders income to be withheld for child support shall order that all income ordered withheld for child support shall be paid to the state disbursement unit.

(b) In order to redirect payments [from a local registry] to the state disbursement unit [after the date of the establishment of the state disbursement unit], the Title IV-D agency shall issue a notice of place of payment informing the obligor, obligee, and employer that income withheld for child support is to be paid to the state disbursement unit and may not be remitted to a local registry, the obligee, or any other person or agency. If withheld support has been paid to a local registry, the Title IV-D agency shall send the notice to the registry to redirect any payments to the state disbursement unit.

(c) A copy of the notice under Subsection (b) shall be filed with the court of continuing jurisdiction [and with the local child support registry].

SECTION 17. Section 234.101, Family Code, is amended by adding Subdivision (3) to read as follows:

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

(A) has not been previously employed by the employer; or

(B) was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

SECTION 18. Subsection (b), Section 233.027, Family Code, is repealed.

SECTION 19. (a) The changes in law made by this Act to Sections 2.009 and 2.014, Family Code, apply only to an application for a marriage license submitted on or after the effective date of this Act. An application for a marriage license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Sections 82.004 and 85.042, Family Code, apply only to an application for a protective order filed on or after the effective date of this Act. An application for a protective order filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Section 158.203, Family Code, apply only to a child support withholding remitted by an employer on or after the effective date of this Act. A child support withholding remitted by an employer before the effective date of this Act is governed by the law in effect on the date the withholding was remitted, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act to Section 233.013, Family Code, apply only to a child support review order filed on or after the effective date of this Act. A child support review order filed before the effective date of this Act is governed by the law in effect on the date the order was filed, and the former law is continued in effect for that purpose.

(e) The change in law made by this Act to Section 233.019, Family Code, applies only to a motion for a new trial filed on or after the effective date of this Act. A motion for a new trial filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.
(f) The change in law made by this Act to Section 233.027, Family Code, applies to a child support review order that is pending before a trial court on or filed on or after the effective date of this Act.

SECTION 20. The change in law made by this Act to Section 231.204, Family Code, takes effect only if House Bill No. 2302, Senate Bill No. 1146, or substantially similar legislation authorizing a statewide electronic filing system fund fee is enacted by the 83rd Legislature, Regular Session, 2013, and becomes law. If legislation described by this section is not enacted or does not become law, the amendment to Section 231.204, Family Code, made by this Act has no effect.

SECTION 21. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 20, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 14, 2013: Yeas 142, Nays 1, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 743

S.B. No. 381

AN ACT
relating to the misuse of the name or symbols of the division of workers' compensation of the Texas Department of Insurance in a deceptive manner;

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 419.001, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of this chapter, a person acts in a "deceptive manner" if the person knows or should know that the person's actions would convey, or could reasonably be interpreted or construed as conveying, the false impression that:

(1) an item is approved, endorsed, sponsored, authorized by, the same as, or associated with the division, the department, this state, or an agency of this state; or

(2) the person represents, speaks for, or has an authorization from the division, the department, this state, or an agency of this state.

SECTION 2. Section 419.002, Labor Code, is amended to read as follows:

Sec. 419.002. MISUSE OF DIVISION'S NAME OR SYMBOLS PROHIBITED. (a) Except as authorized by law, a person, in connection with any impersonation, advertisement, solicitation, business name, business activity, business document, product, or service made or offered by the person regarding workers' compensation coverage or benefits, may not knowingly use or cause to be used in a deceptive manner:

(1) the words "Texas Department of Insurance," "Department of Insurance," "Texas Workers' Compensation," or "division of workers' compensation";

(2) any term using both "Texas" and "Workers' Compensation" or any term using both "Texas" and "Workers' Comp";

(3) the initials "T.D.I."

(4) any combination or variation of the words or initials, or any term deceptively similar to the words or initials, described by Subdivisions (1)–(3).

(b) A person subject to Subsection (a) may not knowingly use or cause to be used in a deceptive manner a word, term, or initials described by Subsection (a) alone or in conjunction with:

(1) the state seal or a representation of the state seal;

(2) a picture or map of this state; or

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