

HOUSE BILL 112

Introduced by Driscoll

1/07	Introduced
1/07	Referred to Labor & Employment Relations
1/08	First Reading
1/22	Hearing
1/22	Tabled in Committee

1 House BILL NO. 112  
2 INTRODUCED BY Orsillo

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE  
5 REQUIREMENT THAT AN EMPLOYER PROVIDE A NEW EMPLOYEE WITH A  
6 FORM NOTIFYING THE EMPLOYER THAT THE EMPLOYEE'S WAGES ARE  
7 SUBJECT TO WITHHOLDING FOR CHILD SUPPORT; AND AMENDING  
8 SECTION 40-5-425, MCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 40-5-425, MCA, is amended to read:

12 "40-5-425. Payor--and-obligor Obligor notice -- effect.

13 ~~(1) After a person is hired for employment, the payor shall~~  
14 ~~submit to the person a written form inquiring whether the~~  
15 ~~person owes child support that is required by law to be~~  
16 ~~withheld from income according to the terms of an order, if~~  
17 ~~any, concerning child support. The person shall immediately~~  
18 ~~complete, sign, and date the form and return it to the~~  
19 ~~payor. The completed form must be retained by the payor for~~  
20 ~~at least 3 years after the date of hiring or at least 1 year~~  
21 ~~after the date that employment is terminated, whichever is~~  
22 ~~longer.~~

23 +2) If a person discloses to the payor that he owes  
24 child support that is required to be withheld, the payor  
25 shall begin withholding according to the terms of the order

1 and this part.

2 +3) (2) At any time an obligor is subject to automatic  
3 income withholding, the obligor shall disclose to a payor  
4 that the obligor owes child support in order that the payor  
5 may begin withholding according to the terms of the order  
6 and this part. If the obligor does not make such disclosure,  
7 the failure to disclose may be considered a contempt of the  
8 district court.

9 +4) (3) A payor may not inquire as to whether a  
10 prospective employee owes child support that is required by  
11 law to be withheld from income according to the terms of an  
12 order, if any, concerning child support, until employment  
13 has been offered and accepted."

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