

**FIFTIETH LEGISLATURE
FIRST SESSION, 2011**

March 10, 2011

Mr. Speaker:

Your **LABOR AND HUMAN RESOURCES COMMITTEE**, to whom has been referred

SENATE BILL 156, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Floor Amendment 1.
2. On page 2, line 17, strike the comma and the remainder of the line and strike line 18 up to the period.
3. On page 3, strike lines 21 through 25, on page 4, strike lines 1 and 2 and insert in lieu thereof the following:
 - "(3) none of the costs incurred by the employer in paying wages to employees shall be charged to the employee;
 - (4) if any interest is earned on the balances on the card, it shall be credited to the employee;
 - (5) employees shall be provided with a means of checking their account balances through an automated telephone system and electronically without cost to the employee;
 - (6) before enrollment in the payroll card program, employees shall be provided with clear and conspicuous notice, in writing and in the language that the employer normally uses to communicate employment-related policies to the employer's employees, of the following:
 - (a) the terms and conditions relating to the use of the payroll card, including a list of fees that may be assessed by the card issuer;
 - (b) the methods available to employees for accessing their full wages in lawful money of the United States without any fees to the employee;
 - (c) the methods available to employees for checking their balances in the payroll card account without cost; and

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(d) a statement as to whether third parties may assess additional fees;

(7) neither the payroll card nor the payroll card account shall be linked to any form of credit and no fees or interest may be imposed when overdrafts occur;

(8) employees shall be provided the option of receiving their wages by direct deposit into a personal account at a financial institution of their choice pursuant to Subsection C of this section and, at the commencement of the employer's payroll card program, or at any time thereafter, may request and receive their wages in checks, payroll vouchers or drafts on banks convertible into cash on demand at full face value;

(9) employees receiving wages on a payroll card shall be permitted, on timely notice to the employer, to receive their wages by direct deposit into a personal account at a financial institution. The employer shall begin payment by direct deposit no later than fourteen days after receiving both the employee's request and the account information necessary to make the deposit, and employees receiving wages by direct deposit at the commencement of the payroll card program shall continue to receive direct deposit unless they request otherwise;

(10) employees shall be provided with at least twenty-one days' notice of any changes to the terms and conditions of the payroll card or payroll card account, including, but not limited to, changes in fees that may be assessed by the payroll card issuer;

(11) wages paid to an employee using a payroll card shall be a deposit that is insured by the federal deposit insurance corporation or the national credit union administration on a pass-through basis to the employee;

(12) the funds loaded onto the payroll card by or on behalf of the employer shall not expire but may escheat to the state in accordance with applicable law. If the payroll card itself bears an expiration date, employees shall be provided with a replacement card, free of charge, prior to the expiration date;

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(13) except in the case of truck drivers in a position for which the United States department of transportation has power to establish qualifications and maximum hours of service, the card is widely accepted without a fee or surcharge for use of the card in point-of-sale purchase transactions;

(14) neither the employer nor the card issuer shall charge the employee fees for obtaining a payroll card, reloading wages onto the payroll card or providing one replacement card per year, if needed, during the employment relationship and for thirty days thereafter; and

(15) the employee shall have access to a history of the employee's payroll account transactions covering at least the prior sixty days. The employer shall provide employees with either:

(a) a confidential means of accessing this information electronically along with the ability to print the transaction history without cost; or

(b) a means for the employee to receive a written transaction history once a month from the card issuer without cost.".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Miguel P. Garcia, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 8 For 0 Against
Yes: 8
No: 0
Excused: Miera
Absent: None

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