

Senate Bill 88

By: Senators Jones of the 25th, Hill of the 6th, Mullis of the 53rd, Jeffares of the 17th, Burke of the 11th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to provide for the payment of wages by credit to a payroll card account; to
3 provide for a definition; to change certain provisions relating to payment of wages by lawful
4 money, checks, or credit transfer and selection of payment dates by employers; to require
5 employers to offer employees certain choices and information relating to the payment of
6 wages; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
11 is amended by revising Code Section 34-7-2, relating to payment of wages by lawful money,
12 checks, or credit transfer and selection of payment dates by employer, as follows:

13 "34-7-2.

14 (a) As used in this Code section, the term 'payroll card account' means an account that is
15 directly or indirectly established through a person, firm, or corporation employing
16 wageworkers or other employees and to which electronic fund transfers of the wages or
17 salary of such employees are made on a recurring basis, whether the account is operated
18 or managed by such person, firm, or corporation or a third-party payroll processor, a
19 depository institution, or any other person.

20 (b) Every person, firm, or corporation, including steam and electric railroads, but not
21 including farming, sawmill, and turpentine industries, employing skilled or unskilled
22 wageworkers in manual, mechanical, or clerical labor, including all employees except
23 officials, superintendents, or other heads or subheads of ~~department~~ departments who may
24 be employed by the month or year at stipulated salaries, shall make wage and salary
25 payments to such employees or to their authorized representatives (1) by lawful money of
26 the United States, (2) by check, ~~or~~ (3) with the consent of the employee, by authorization

27 of electronic credit transfer to his or her account with a bank, trust company, or other
28 financial institution authorized by the United States or one of the several states to receive
29 deposits in the United States, or (4) by credit to a payroll card account. Such payments
30 shall be made on such dates during the month as may be decided upon by such person,
31 firm, or corporation; provided, however, that the dates so selected shall be such that the
32 month will be divided into at least two equal periods; and provided, further, that the
33 payments made on each such date shall in every case correspond to the full net amount of
34 wages or earnings due the employees for the period for which the payment is made.

35 (c) A person, firm, or corporation that elects pursuant to subsection (b) of this Code
36 section to make wage and salary payments by using credit to a payroll card account shall
37 provide the employee with each of the following:

38 (1) A written explanation of any fees associated with the payroll card account offered to
39 the employee. For all employees employed on the date a person, firm, or corporation
40 elects to make such wage and salary payments by using credit to a payroll card account,
41 such written explanation shall be provided at least 30 days prior to the date such payroll
42 card account is to become available. For any employee hired after the date of such
43 election, the written explanation shall be provided at the time of hiring. A form shall be
44 provided simultaneously with the written explanation of fees allowing employees to opt
45 out of receiving such payments as credit to a payroll card account as provided in
46 paragraphs (2) and (3) of this subsection. Such form shall also be made generally
47 available to employees;

48 (2) The ability to opt out of receiving such payments as credit to a payroll card account
49 by submitting in writing a request for a check; and

50 (3) The ability to opt out of receiving such payments as credit to a payroll card account
51 by providing the proper designation and authorization for an electronic credit transfer."

52 **SECTION 2.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law
54 without such approval.

55 **SECTION 3.**

56 All laws and parts of laws in conflict with this Act are repealed.