

The Senate Committee on Insurance and Labor offers the following substitute to SB 88:

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; to change
3 certain provisions relating to payment of wages by lawful money, checks, or credit transfer
4 and selection of payment dates by employers; to require employers to offer employees
5 certain choices and information relating to the payment of wages; to provide for related
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "34-7-2.

13 (a) As used in this Code section, the term:

14 (1) 'Payment card network' means any organization, group, system, or other collection
15 of individuals or entities that is organized to allow participants to accept or make
16 payments for goods or services using a credit card, debit card, or any other payment
17 device.

18 (2) 'Payroll card' means an account accessed through a prepaid debit card issued through
19 a payment card network from which funds may be withdrawn or transferred.

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. Such payments shall be
30 made on such dates during the month as may be decided upon by such person, firm, or
31 corporation; provided, however, that the dates so selected shall be such that the month will
32 be divided into at least two equal periods; and provided, further, that the payments made
33 on each such date shall in every case correspond to the full net amount of wages or
34 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 shall provide
37 the employee with each of the following:

38 (1) A written explanation of any fees associated with the payroll card offered to the
39 employee. For all employees employed on the date a person, firm, or corporation elects
40 to make such wage and salary payments by using credit to a payroll card, such written
41 explanation shall be provided at least 30 days prior to the date such payroll card is to
42 become available. For any employee hired after the date of such election, the written
43 explanation shall be provided at the time of hiring;

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

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

48 **SECTION 2.**

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

51 **SECTION 3.**

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