

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 SENATE

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 account' means an account that is directly or indirectly established
19 through an employer and to which electronic fund transfers of the consumer's wages,
20 salary, or other employee compensation are made on a recurring basis, whether the
21 account is operated or managed by the employer, a third-party payroll processor, a
22 depository institution, or any other person.

23 (b) Every person, firm, or corporation, including steam and electric railroads, but not
24 including farming, sawmill, and turpentine industries, employing skilled or unskilled
25 wageworkers in manual, mechanical, or clerical labor, including all employees except
26 officials, superintendents, or other heads or subheads of ~~department~~ departments who may
27 be employed by the month or year at stipulated salaries, shall make wage and salary

28 payments to such employees or to their authorized representatives (1) by lawful money of
 29 the United States, (2) by check, ~~or~~ (3) with the consent of the employee, by authorization
 30 of electronic credit transfer to his or her account with a bank, trust company, or other
 31 financial institution authorized by the United States or one of the several states to receive
 32 deposits in the United States, or (4) by credit to a payroll card account. Such payments
 33 shall be made on such dates during the month as may be decided upon by such person,
 34 firm, or corporation; provided, however, that the dates so selected shall be such that the
 35 month will be divided into at least two equal periods; and provided, further, that the
 36 payments made on each such date shall in every case correspond to the full net amount of
 37 wages or earnings due the employees for the period for which the payment is made.

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

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

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

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

55 **SECTION 2.**

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

58 **SECTION 3.**

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