

AN ACT

relating to the disposition of certain unclaimed wage payments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 61, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. DISPOSITION OF UNCLAIMED WAGE PAYMENTS

Sec. 61.101. WAGE PAYMENTS MADE IN CASH. Notwithstanding Section 72.101, Property Code, cash paid as wages is presumed abandoned if, for longer than six months if the amount in question is \$100 or less, or for longer than three years if the amount in question is greater than \$100:

(1) the existence and location of the employee or former employee to whom the wages are owed is unknown to the employer liable for the payment of the wages; and

(2) according to the knowledge and records of the employer liable for the payment of the wages, a wage claim has not been filed under this chapter.

Sec. 61.102. WAGE PAYMENTS MADE BY CHECK. Notwithstanding Section 73.102, Property Code, a check paid as wages is presumed to be abandoned on the latest of:

(1) the 180th day after the date the check was payable if the amount in question is \$100 or less, or the third anniversary of the date the check was payable if the amount in question is greater than \$100;

1 (2) the 180th day after the date the issuer or payor of
2 the check last received documented communication from the payee of
3 the check if the amount in question is \$100 or less, or the third
4 anniversary of the date the issuer or payor of the check last
5 received documented communication from the payee of the check if
6 the amount in question is greater than \$100; or

7 (3) the 180th day after the date the check was issued
8 if the amount in question is \$100 or less and if, during that
9 period, according to the knowledge and records of the issuer or
10 payor of the check, a claim to the check has not been asserted or an
11 act of ownership by the payee has not been exercised, or the third
12 anniversary of the date the check was issued if the amount in
13 question is greater than \$100 and if, during that period, according
14 to the knowledge and records of the issuer or payor of the check, a
15 claim to the check has not been asserted or an act of ownership by
16 the payee has not been exercised.

17 Sec. 61.103. DISPOSITION. (a) Except as provided by
18 Subsection (b), an employer or former employer who holds unclaimed
19 wage payments presumed to be abandoned under this subchapter is a
20 "holder" for purposes of Chapter 74, Property Code, and shall
21 dispose of the unclaimed wage payments in the manner prescribed by
22 that chapter.

23 (b) An employer or former employer who holds an unclaimed
24 wage payment of \$100 or less that is presumed to be abandoned under
25 this subchapter is not required to dispose of the unclaimed wage
26 payment in the manner prescribed by Chapter 74, Property Code,
27 until the payment has been abandoned for three years after the date

1 from which the period applicable under Section 61.101 or 61.102 is
2 measured.

3 Sec. 61.104. NOTICE. The commission shall notify employers
4 of the requirements of this subchapter in the manner prescribed by
5 the commission by rule.

6 SECTION 2. Section 74.001(a), Property Code, is amended to
7 read as follows:

8 (a) Except as provided by Subsection (b), this chapter
9 applies to a holder of property that is presumed abandoned under:

10 (1) Chapter 72, Chapter 73, or Chapter 75 of this code;
11 or

12 (2) Subchapter G, Chapter 61, Labor Code.

13 SECTION 3. Section 74.101(a), Property Code, is amended to
14 read as follows:

15 (a) Each holder who on June 30 holds property that is
16 presumed abandoned under Chapter 72, 73, or 75 of this code, ~~[or~~
17 ~~under]~~ Chapter 154, Finance Code, or Subchapter G, Chapter 61,
18 Labor Code, shall file a report of that property on or before the
19 following November 1. The comptroller may require the report to be
20 in a particular format, including a format that can be read by a
21 computer.

22 SECTION 4. Section 74.301(a), Property Code, is amended to
23 read as follows:

24 (a) Except as provided by Subsection (c), each holder who on
25 June 30 holds property that is presumed abandoned under Chapter 72,
26 73, or 75 of this code or Subchapter G, Chapter 61, Labor Code,
27 shall deliver the property to the comptroller on or before the

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1 following November 1 accompanied by the report required to be filed
2 under Section 74.101.

3 SECTION 5. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 826 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 826 on May 29, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 826 was passed by the Senate, with amendments, on May 27, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor