

By: Davis of Dallas

H.B. No. 826

A BILL TO BE ENTITLED

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. An employer or former employer  
18 who holds unclaimed wage payments presumed to be abandoned under  
19 this subchapter is a "holder" for purposes of Chapter 74, Property  
20 Code, and shall dispose of the unclaimed wage payments in the manner  
21 prescribed by that chapter.

22           Sec. 61.104. NOTICE. The commission shall notify employers  
23 of the requirements of this subchapter in the manner prescribed by  
24 the commission by rule.

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

27           (a) Except as provided by Subsection (b), this chapter

1 applies to a holder of property that is presumed abandoned under:

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

3 or

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

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

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

14           SECTION 4. This Act takes effect September 1, 2003.