

1-1 By: Davis of Dallas (Senate Sponsor - Carona) H.B. No. 826
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the disposition of certain unclaimed wage payments.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Chapter 61, Labor Code, is amended by adding
1-11 Subchapter G to read as follows:

1-12 SUBCHAPTER G. DISPOSITION OF UNCLAIMED WAGE PAYMENTS

1-13 Sec. 61.101. WAGE PAYMENTS MADE IN CASH. Notwithstanding
1-14 Section 72.101, Property Code, cash paid as wages is presumed
1-15 abandoned if, for longer than six months if the amount in question
1-16 is \$100 or less, or for longer than three years if the amount in
1-17 question is greater than \$100:

1-18 (1) the existence and location of the employee or
1-19 former employee to whom the wages are owed is unknown to the
1-20 employer liable for the payment of the wages; and

1-21 (2) according to the knowledge and records of the
1-22 employer liable for the payment of the wages, a wage claim has not
1-23 been filed under this chapter.

1-24 Sec. 61.102. WAGE PAYMENTS MADE BY CHECK. Notwithstanding
1-25 Section 73.102, Property Code, a check paid as wages is presumed to
1-26 be abandoned on the latest of:

1-27 (1) the 180th day after the date the check was payable
1-28 if the amount in question is \$100 or less, or the third anniversary
1-29 of the date the check was payable if the amount in question is
1-30 greater than \$100;

1-31 (2) the 180th day after the date the issuer or payor of
1-32 the check last received documented communication from the payee of
1-33 the check if the amount in question is \$100 or less, or the third
1-34 anniversary of the date the issuer or payor of the check last
1-35 received documented communication from the payee of the check if
1-36 the amount in question is greater than \$100; or

1-37 (3) the 180th day after the date the check was issued
1-38 if the amount in question is \$100 or less and if, during that
1-39 period, according to the knowledge and records of the issuer or
1-40 payor of the check, a claim to the check has not been asserted or an
1-41 act of ownership by the payee has not been exercised, or the third
1-42 anniversary of the date the check was issued if the amount in
1-43 question is greater than \$100 and if, during that period, according
1-44 to the knowledge and records of the issuer or payor of the check, a
1-45 claim to the check has not been asserted or an act of ownership by
1-46 the payee has not been exercised.

1-47 Sec. 61.103. DISPOSITION. An employer or former employer
1-48 who holds unclaimed wage payments presumed to be abandoned under
1-49 this subchapter is a "holder" for purposes of Chapter 74, Property
1-50 Code, and shall dispose of the unclaimed wage payments in the manner
1-51 prescribed by that chapter.

1-52 Sec. 61.104. NOTICE. The commission shall notify employers
1-53 of the requirements of this subchapter in the manner prescribed by
1-54 the commission by rule.

1-55 SECTION 2. Section 74.001(a), Property Code, is amended to
1-56 read as follows:

1-57 (a) Except as provided by Subsection (b), this chapter
1-58 applies to a holder of property that is presumed abandoned under:

1-59 (1) Chapter 72, Chapter 73, or Chapter 75 of this code;
1-60 or

1-61 (2) Subchapter G, Chapter 61, Labor Code.

1-62 SECTION 3. Section 74.101(a), Property Code, is amended to
1-63 read as follows:

1-64 (a) Each holder who on June 30 holds property that is

2-1 presumed abandoned under Chapter 72, 73, or 75 of this code, [~~or~~
2-2 ~~under~~] Chapter 154, Finance Code, or Subchapter G, Chapter 61,
2-3 Labor Code, shall file a report of that property on or before the
2-4 following November 1. The comptroller may require the report to be
2-5 in a particular format, including a format that can be read by a
2-6 computer.

2-7 SECTION 4. This Act takes effect September 1, 2003.

2-8

* * * * *