

AMENDMENTS TO SENATE BILL NO. 1265

Sponsor: SENATOR WHITE

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1 Amend Bill, page 1, lines 8 and 9, by striking out "and for
2 coordination with Federal law"

3 Amend Bill, page 2, line 13, by inserting after "salary"
4 , commissions

5 Amend Bill, page 2, lines 14 through 16, by striking out all
6 of said lines

7 Amend Bill, page 2, lines 22 and 23, by striking out all of
8 line 22 and "A RECORD" in line 23 and inserting
9 claims of any kind

10 Amend Bill, page 2, line 25, by striking out "by" and
11 inserting
12 if

13 Amend Bill, page 2, line 25, by inserting after "recipient"
14 has authorized the method of payment in writing or
15 electronically

16 Amend Bill, page 3, lines 12 through 18, by striking out all
17 of said lines and inserting

18 When wages, salaries, commissions or other payments are
19 transferred to an account at a financial institution as
20 described in section 1:

21 (1) the financial institution holding the account to
22 which transfers are made shall provide the employee or other
23 payee with the disclosures, notices of transfer, change in
24 term notices, access to account information and other
25 consumer protections to the extent required by 12 CFR Part
26 1005 (relating to electronic fund transfers (Regulation E));
27 and

28 (2) an employer shall provide an employee with a written

1 or electronic statement of earnings and deductions each pay
2 period in accordance with applicable law.

3 Amend Bill, page 3, line 21, by striking out "The" and
4 inserting

5 In addition to any other requirements under this act, all of
6 the following provisions apply when

7 Amend Bill, page 3, line 21, by striking out "or" and
8 inserting a comma

9 Amend Bill, page 3, line 21, by inserting after "commissions"
10 or other compensation is made

11 Amend Bill, page 3, lines 21 and 22, by striking out "a
12 transfer into" and inserting

13 transfers to

14 Amend Bill, page 3, lines 22 and 23, by striking out "shall
15 be effective for" in line 22 and all of line 23 and inserting a
16 period

17 Amend Bill, page 3, line 24, by striking out "the" and
18 inserting

19 The

20 Amend Bill, page 3, line 24, by striking out "has been" and
21 inserting

22 shall be

23 Amend Bill, page 3, line 26, by striking out the semicolon
24 after "E))" and inserting a period

25 Amend Bill, page 3, line 27, by striking out "the" and
26 inserting

27 The

28 Amend Bill, page 3, line 27, by striking out "is" and
29 inserting

30 shall be

31 Amend Bill, page 3, line 28, by striking out "federally

1 insured"

2 Amend Bill, page 3, line 28, by striking out "; and" and
3 inserting

4 whose funds are insured by the Federal Deposit Insurance
5 Corporation or the National Credit Union Administration.

6 (3) No employer may make the payment of wages, salary,
7 commissions or other compensation by means of a payroll card
8 account a condition of employment or a condition for the
9 receipt of any benefit or other form of remuneration for any
10 employee.

11 (4) Prior to obtaining an employee's authorization, the
12 employer shall provide the employee with notice, in writing
13 or electronically, of all of the following:

14 (i) All of the employee's wage payment options.

15 (ii) The terms and conditions of the payroll card
16 account option, including the fees that may be deducted
17 from the employee's payroll card account by the card
18 issuer.

19 (iii) A notice that third parties may assess fees in
20 addition to the fees assessed by the card issuer.

21 (iv) The methods available to the employee for
22 accessing wages without fees.

23 Amend Bill, page 3, line 29, by striking out "(3) the" and
24 inserting

25 (5) The

26 Amend Bill, page 3, line 29, by striking out "provides" and
27 inserting

28 shall provide

29 Amend Bill, page 4, lines 8 through 17, by striking out all
30 of said lines and inserting

31 (6) The payroll card account shall provide the employee
32 with a means of ascertaining the balance in the employee's
33 payroll card account through an automated telephone system or
34 other electronic means without cost to the employee.

35 (7) In addition to the fees prohibited under paragraphs
36 (5) and (6), an employer may not use a payroll card account
37 that charges fees to the employee for any of the following:

38 (i) The application, initiation or privilege of
39 participating in the payroll card program.

40 (ii) The issuance of the initial payroll card.

41 (iii) The issuance of one replacement card per
42 calendar year upon request of the employee.

1 (iv) The transfer of wages, salary, commissions or
2 other compensation from the employer to the payroll card
3 account.

4 (v) Purchase transactions at the point of sale.

5 (8) The funds in a payroll card account shall not
6 expire. If a payroll card has an expiration date during the
7 period when wages, salary or other compensation are applied
8 to the payroll card account by the employer and for 60 days
9 after the last transfer of wages, salary, commissions or
10 other compensation to the account, the employee shall be
11 provided a replacement card without cost prior to the
12 expiration date, unless prior to that date the account
13 becomes subject to the custody and control of the
14 Commonwealth under Article XIII.1 of the act of April 9, 1929
15 (P.L.343, No.176), known as The Fiscal Code, or pursuant to
16 the unclaimed property or escheat law of another state, the
17 District of Columbia or a territory of the United States.

18 (9) The employer shall honor an employee's written or
19 electronic request to change the employee's method of
20 receiving wages from a payroll card account to direct deposit
21 or negotiable check. The change shall take effect as soon as
22 practicable, but no later than the first payday after 14 days
23 from receipt by the employer of the employee's request and
24 any information necessary to implement the change.

25 (10) Nothing in this section may be construed to preempt
26 or override the terms of any collective bargaining agreement
27 with respect to the methods by which an employer provides
28 payment of wages, salary, commissions or other compensation
29 to employees.

30 Amend Bill, page 4, lines 27 and 28, by striking out "This
31 act shall apply to payments made before, on" in line 27 and all
32 of line 28 and inserting

33 An authorization for the payment of wages, salaries or other
34 compensation by means of a payroll card account made prior to
35 the effective date of section 2.1 of the act shall remain valid
36 until the employee requests a change of payment method in
37 accordance with section 2.1(9) of the act.

38 Amend Bill, page 4, line 29, by striking out "immediately"
39 and inserting
40 in 90 days