

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-SECOND LEGISLATURE**  
**REGULAR SESSION, 2015**



**ENROLLED**

**Senate Bill No. 318**

**(BY SENATORS TRUMP, KARNES, CARMICHAEL AND BLAIR)**

**[PASSED MARCH 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]**

E N R O L L E D

## Senate Bill No. 318

(BY SENATORS TRUMP, KARNES, CARMICHAEL AND BLAIR)

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[Passed March 14, 2015; in effect ninety days from passage.]

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AN ACT to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to payment of wages by employers; and authorizing payment of employees twice a month.

*Be it enacted by the Legislature of West Virginia:*

That §21-5-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

#### **§21-5-3. Payment of wages by employers other than railroads; assignments of wages.**

1       (a) Every person, firm or corporation doing business in  
2 this state, except railroad companies as provided in section  
3 one of this article, shall settle with its employees at least  
4 twice every month and with no more than nineteen days  
5 between settlements, unless otherwise provided by special  
6 agreement, and pay them the wages due, less authorized  
7 deductions and authorized wage assignments, for their work  
8 or services.

9 (b) Payment required in subsection (a) of this section  
10 shall be made:

11 (1) In lawful money of the United States;

12 (2) By cash order as described and required in section  
13 four of this article;

14 (3) By deposit or electronic transfer of immediately  
15 available funds into an employee's payroll card account in a  
16 federally insured depository institution. The term "payroll  
17 card account" means an account in a federally insured  
18 depository institution that is directly or indirectly established  
19 through an employer and to which electronic fund transfers  
20 of the employee's wages, salary, commissions or other  
21 compensation are made on a recurring basis, whether the  
22 account is operated or managed by the employer, a  
23 third-party payroll processor, a depository institution or  
24 another person. "Payroll card" means a card, code or  
25 combination thereof or other means of access to an  
26 employee's payroll card account, by which the employee may  
27 initiate electronic fund transfers or use a payroll card to make  
28 purchases or payments. Payment of employee compensation  
29 by means of a payroll card must be agreed upon in writing by  
30 both the person, firm or corporation paying the compensation  
31 and the person being compensated; or

32 (4) By any method of depositing immediately available  
33 funds in an employee's demand or time account in a bank,  
34 credit union or savings and loan institution that may be  
35 agreed upon in writing between the employee and such  
36 person, firm or corporation, which agreement shall  
37 specifically identify the employee, the financial institution,  
38 the type of account and the account number: *Provided*, That  
39 nothing herein contained shall be construed in a manner to

40 require any person, firm or corporation to pay employees by  
41 depositing funds in a financial institution.

42 (c) If, at any time of payment, any employee shall be  
43 absent from his or her regular place of labor and shall not  
44 receive his or her wages through a duly authorized  
45 representative, he or she shall be entitled to payment at any  
46 time thereafter upon demand upon the proper paymaster at  
47 the place where his or her wages are usually paid and where  
48 the next pay is due.

49 (d) Nothing herein contained shall affect the right of an  
50 employee to assign part of his or her claim against his or her  
51 employer except as in subsection (e) of this section.

52 (e) No assignment of or order for future wages shall be  
53 valid for a period exceeding one year from the date of the  
54 assignment or order. An assignment or order shall be  
55 acknowledged by the party making the same before a notary  
56 public or other officer authorized to take acknowledgments,  
57 and any order or assignment shall specify thereon the total  
58 amount due and collectible by virtue of the same and three  
59 fourths of the periodical earnings or wages of the assignor  
60 shall at all times be exempt from such assignment or order  
61 and no assignment or order shall be valid which does not so  
62 state upon its face: *Provided*, That no such order or  
63 assignment shall be valid unless the written acceptance of the  
64 employer of the assignor to the making thereof is endorsed  
65 thereon: *Provided, however*, That nothing herein contained  
66 shall be construed as affecting the right of employer and  
67 employees to agree between themselves as to deductions to  
68 be made from the payroll of employees.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....

Day of ....., 2015.

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*Governor*