

SB 100 -AS AMENDED BY THE SENATE

03/14/13 0765s

2013 SESSION

13-0906
06/05

SENATE BILL **100**

AN ACT authorizing electronic payment of payroll.

SPONSORS: Sen. Bradley, Dist 3; Rep. Chandler, Carr 1; Rep. Umberger, Carr 2; Rep. Butler, Carr 7

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill:

I. Deletes the requirement that an employer who pays wages by electronic fund transfer offer employees the option of being paid by check.

II. Permits an employer to pay wages with a payroll card after offering employees the option of being paid by direct deposit.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT authorizing electronic payment of payroll.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Payment of Wages; Weekly. Amend RSA 275:43, I(e) to read as follows:

2 (e) With checks on a financial institution convenient to the place of employment where
3 suitable arrangements are made for the cashing of such checks by employees for the full amount of
4 the wages due~~[- provided, however, that if an employer elects to pay employees as specified in~~
5 ~~subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified~~
6 ~~in subparagraph (e), and further]~~, provided that all wages in the nature of health and welfare fund
7 or pension fund contributions required pursuant to a health and welfare fund trust agreement,
8 pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the
9 benefit of employees and agreed to by the employer shall be paid by every such employer within 30
10 days of the date of demand for such payment, the payment to be made to the administrator or other
11 designated official of the applicable health and welfare or pension trust fund.

12 2 Payment of Wages; Weekly. RSA 275:43, II(b) is repealed and reenacted to read as follows:

13 (b) Provide its employees the option of being paid by direct deposit under subparagraph
14 I(c). If, after the employer has offered an employee direct deposit and provided the employee with
15 the written disclosures required by subparagraph (a), the employee does not designate an account at
16 a financial institution for direct deposit, the employer may arrange to pay the employee using a
17 payroll card.

18 3 Payment of Wages; Weekly. Amend RSA 275:43, II(c) and (d) to read as follows:

19 (c) Provide written notice of any change to any of the terms and conditions of the payroll
20 card or payroll card account, including but not limited to an itemized list of all fees that may have
21 changed~~[- and obtain written assent from the employee that the employee voluntarily consents to~~
22 ~~receive wages to a payroll card or payroll card account subject to the changes]~~. The employer shall
23 be responsible for any increase in fees charged to the employee before the employer provides written
24 notice of such changes to the employee.

25 (d) Provide the employee the option to discontinue receipt of wages by a payroll card or
26 payroll card account at any time, without penalty to the employee ***and to instead receive wages by***
27 ***direct deposit or another method offered by the employer, if any.***

28 4 Effective Date. This act shall take effect 60 days after its passage.