
HOUSE BILL No. 1764

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2; IC 22-5-6.

Synopsis: Wage payment and sales to employees. Permits a wage assignment for payment for: (1) certain uniforms; and (2) tools and portable equipment. Increases from \$800 to \$3,000 the amount of the maximum wage claim for which the commissioner of the department of labor may take an assignment. Repeals and relocates language making it a Class C infraction for an employer to sell merchandise or supplies to an employee for a price higher than the price at which the merchandise or supplies are sold to the public. Repeals a chapter concerning the regulation of wage payments, which includes: (1) a provision requiring an employer to pay employees in commercial paper; (2) a duplicate provision concerning frequency of wage payments; (3) a provision containing language concerning liens of laborers; and (4) language in conflict with other laws concerning the later payment of wages.

Effective: July 1, 2007.

Borrer, Leonard, Dermody, Soliday

January 26, 2007, read first time and referred to Committee on Labor and Employment.

C
o
p
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1764

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-2-6-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Any assignment of the wages
3 of an employee is valid only if all of the following conditions are
4 satisfied:
- 5 (1) The assignment is:
 - 6 (A) in writing;
 - 7 (B) signed by the employee personally;
 - 8 (C) by its terms revocable at any time by the employee upon
9 written notice to the employer; and
 - 10 (D) agreed to in writing by the employer.
 - 11 (2) An executed copy of the assignment is delivered to the
12 employer within ten (10) days after its execution.
 - 13 (3) The assignment is made for a purpose described in subsection
14 (b).
 - 15 (b) A wage assignment under this section may be made for the
16 purpose of paying any of the following:
 - 17 (1) Premium on a policy of insurance obtained for the employee



- 1 by the employer.
- 2 (2) Pledge or contribution of the employee to a charitable or
- 3 nonprofit organization.
- 4 (3) Purchase price of bonds or securities, issued or guaranteed by
- 5 the United States.
- 6 (4) Purchase price of shares of stock, or fractional interests
- 7 therein, of the employing company, or of a company owning the
- 8 majority of the issued and outstanding stock of the employing
- 9 company, whether purchased from such company, in the open
- 10 market or otherwise. However, if such shares are to be purchased
- 11 on installments pursuant to a written purchase agreement, the
- 12 employee has the right under the purchase agreement at any time
- 13 before completing purchase of such shares to cancel said
- 14 agreement and to have repaid promptly the amount of all
- 15 installment payments which theretofore have been made.
- 16 (5) Dues to become owing by the employee to a labor
- 17 organization of which the employee is a member.
- 18 (6) Purchase price of merchandise sold by the employer to the
- 19 employee, at the written request of the employee.
- 20 (7) Amount of a loan made to the employee by the employer and
- 21 evidenced by a written instrument executed by the employee
- 22 subject to the amount limits set forth in section 4(c) of this
- 23 chapter.
- 24 (8) Contributions, assessments, or dues of the employee to a
- 25 hospital service or a surgical or medical expense plan or to an
- 26 employees' association, trust, or plan existing for the purpose of
- 27 paying pensions or other benefits to said employee or to others
- 28 designated by the employee.
- 29 (9) Payment to any credit union, nonprofit organizations, or
- 30 associations of employees of such employer organized under any
- 31 law of this state or of the United States.
- 32 (10) Payment to any person or organization regulated under the
- 33 Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit
- 34 to the employee's account by electronic transfer or as otherwise
- 35 designated by the employee.
- 36 (11) Premiums on policies of insurance and annuities purchased
- 37 by the employee on the employee's life.
- 38 (12) The purchase price of shares or fractional interest in shares
- 39 in one (1) or more mutual funds.
- 40 (13) A judgment owed by the employee if the payment:
- 41 (A) is made in accordance with an agreement between the
- 42 employee and the creditor; and

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

(B) is not a garnishment under IC 34-25-3.
(14) Payment for the purchase or maintenance of uniforms worn by the employee while performing duties for the employer.
(15) Payment for the purchase of tools and portable equipment used by the employee while performing duties for the employer.

SECTION 2. IC 22-2-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a)** The commissioner of labor is hereby authorized to take assignments of wage claims of less than ~~eight hundred dollars (\$800.00)~~; **three thousand dollars (\$3,000)**, rights of action for penalties, mechanics **liens**, and other liens of workers, without being bound by any of the technical rules with reference to the validity of such assignments; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the commissioner:

- (1)** are entitled to the services of the commissioner; and ~~who, in his judgment,~~
- (2)** have claims which are valid and enforceable in the court.

(b) The commissioner shall have power to join various claimants in one (1) preferred claim or lien, and, in case of suit, to join them in one (1) cause of action.

SECTION 3. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 6. Employer Sales to Employees

Sec. 1. An employer may not sell to an employee of the employer:

- (1) merchandise; or**
- (2) supplies;**

at a price higher than the price at which the employer sells the merchandise or supplies for cash to another person who is not an employee of the employer.

Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction.

SECTION 4. IC 22-2-4 IS REPEALED [EFFECTIVE JULY 1, 2007].

SECTION 5. [EFFECTIVE JULY 1, 2007] **IC 22-2-9-5, as amended by this act, applies to wage claim assignments taken by the commissioner of labor after June 30, 2007.**

**C
o
p
y**

