

HB0186S02 compared with HB0186

{Omitted text} shows text that was in HB0186 but was omitted in HB0186S02

inserted text shows text that was not in HB0186 but was inserted into HB0186S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Wage Payment Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor:

2

3 LONG TITLE

4 General Description:

5 This bill modifies the payment of wages provisions.

6 Highlighted Provisions:

7 This bill:

8 ▶ removes references that require an employee separating from an employer to provide a written demand for payment; {and}

10 ▶ removes the requirement that an employee make a demand in writing 15 days before bringing a suit for wages;

12 ▶ requires that an employee, who disputes the amount an employer pays to the employee upon separation, provide notice to the employer before initiating a legal action; and

10 ▶ makes technical and conforming changes.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

HB0186 compared with HB0186S02

20 AMENDS:

21 **34-27-1 , as last amended by Laws of Utah 2024, Chapter 365 , as last amended by Laws of
Utah 2024, Chapter 365**

22 **34-28-5** , as last amended by Laws of Utah 2018, Chapter 307 , as last amended by Laws of Utah
2018, Chapter 307

23

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section 34-27-1 is amended to read:

26 **34-27-1. Reasonable amount -- Taxed as costs.**

[Whenever a mechanic, artisan, miner, laborer, servant, or other employee shall have cause to bring suit for wages earned and due according to the terms of that individual's employment and shall establish by the decision of the court that the amount for which the plaintiff has brought suit is justly due, and that a demand has been made in writing at least 15 days before suit was brought for a sum not to exceed the amount so found due, then it shall be the duty of the court before which the case shall be tried to allow to the plaintiff a reasonable attorneys' fee in addition to the amount found due for wages, to be taxed as costs of suit.]If a mechanic, artisan, miner, laborer, servant, or other employee has cause to bring suit for wages according to the terms of that individual's employment, and is awarded wages in a court with jurisdiction, the court shall:

37 (1) establish the amount that the plaintiff is due; and

38 (2) award attorney fees, to be taxed as costs of suit.

39 Section 2. Section 34-28-5 is amended to read:

40 **34-28-5. Separation from payroll -- Resignation -- Cessation because of industrial dispute.**

23 (1)

(a) When an employer separates an employee from the employer's payroll:

24 (i) the unpaid wages of the employee become due immediately[;] ; and

25 (ii) the employer shall pay the wages to the employee within [24 hours] **three business days** of the
time of separation at the specified place of payment.

27 (b) An employer satisfies the [24-hour] **three business days** time requirement described in Subsection
(1)(a) if:

28 (i)

HB0186 compared with HB0186S02

- (A) the employer mails the wages to the employee; and
- 29 (B) the envelope that contains the wages is postmarked with a date that is no more than one day after
the day on which the employer separates the employee from the employer's payroll; or
- 32 (ii) within ~~[24 hours]~~ three business days after the employer separates the employee from the
employer's payroll, the employer:
- 34 (A) initiates a direct deposit of the wages into the employee's account; or
- 35 (B) hand delivers the wages to the employee.
- 36 (c)
- (i) In case of failure to pay wages due an employee within ~~[24 hours{f} -of written demand{f}]~~ three
business days, the wages of the employee shall continue, at the same rate that the employee received
at the time of separation, from the date of ~~[demand{f} separation]~~ until {f} paid, but in no event to
exceed 60 days, at the same rate that the employee received at the time of separation.] separation
until the earlier of:
- 41 (A) the date of payment; or
- 42 (B) 60 days after the date of separation.
- 43 (ii) The employee may recover the penalty ~~[thus]~~ accruing to the employee in a civil action.
- 65 (iii) When an employer pays the owed wages and the employee disputes the amount, the employee
shall:
- 67 (A) give written notice to the employer; and
- 68 (B) allow the employer three business days to respond before the employee may initiate legal action.
- 45 ~~{(iii)}~~ (iv) [This action shall be commenced-] The employee shall commence an action to recover the
penalty within 60 days from the later of:
- 72 (A) [within 60 days from-] the date the employee exhausts the employee's administrative remedies
described in Section 34-28-9 and rules made by the commission under Section 34-28-9, if the
employee filed a wage claim with the division; or
- 76 (B) the date of separation.
- 47 [(iii) An employee who has not made a written demand for payment is not entitled to any penalty under
this Subsection (1)(c).]
- 49 (2) If an employee[-] does not have a written contract for a definite period and resigns[-] the employee's
employment, the wages earned and unpaid together with any deposit held by the employer and

HB0186 compared with HB0186S02

properly belonging to the resigned employee for the performance of the employee's employment duties become due and payable on the next regular payday.

- 53 (3) If work ceases as the result of an industrial dispute, the wages earned and unpaid at the time of
this cessation become due and payable at the next regular payday, as provided in Section 34-28-3,
including[;] :
- 56 (a) ~~[without abatement or reduction,]~~all amounts due { ~~[]~~ } ~~[all persons whose work has been suspended
as a result of the industrial dispute, together with] {-}~~ without abatement or reduction; and
- 59 (b) any deposit or other guaranty held by the employer for the faithful performance of the duties of the
employment.
- 61 (4) For a sales agent employed in whole or in part on a commission basis who has custody of accounts,
money, or goods of the sales agent's principal, this section does not apply to the commission-based
portion of the sales agent's earnings if the net amount due the agent is determined only after an audit
or verification of sales, accounts, funds, or stocks.

95 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

2-19-25 3:28 PM