

# HB0186S02 compared with HB0186S01

{Omitted text} shows text that was in HB0186S01 but was omitted in HB0186S02  
inserted text shows text that was not in HB0186S01 but was inserted into HB0186S02

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**Wage Payment Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Kay J. Christofferson**  
Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill modifies the payment of wages provisions.

**Highlighted Provisions:**

This bill:

- ▶ removes references that require an employee separating from an employer to provide a written demand for payment;
- ▶ removes the requirement that an employee make a demand in writing 15 days before bringing a suit for wages; {and}
- ▶ 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
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

## HB0186S01 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

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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:

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

36 (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.**

40 (1)

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

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

42 (ii) the employer shall pay the wages to the employee within ~~24~~ **one business day** ~~hours~~ **three business days** of the time of separation at the specified place of payment.

44 (b) An employer satisfies the ~~24-hour~~ **one business day** ~~time~~ **three business days** requirement described in Subsection (1)(a) if:

45 (i)

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- (A) the employer mails the wages to the employee; and
- 46 (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
- 49 (ii) within ~~five~~ → [24 hours { } **one business day**] ← ~~five~~ ] three business days after the employer separates the  
employee from the employer's payroll, the employer:
- 51 (A) initiates a direct deposit of the wages into the employee's account; or
- 52 (B) hand delivers the wages to the employee.
- 53 (c)
- (i) In case of failure to pay wages due an employee within ~~five~~ → [24 hours { } { **one business day** } { }  
{ ← ~~five~~ } { } of written demand { } ;] 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 until  
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:
- 58 (A) the date of payment; or
- 59 (B) 60 days after the date of separation.
- 60 (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.
- 62 ~~{(iii)}~~ (iv) [This action shall be commenced.] The employee shall commence an action to recover the  
penalty within 60 days from the later of:
- 64 (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
- 68 (B) the date of separation.
- 69 ~~[(iii) An employee who has not made a written demand for payment is not entitled to any penalty under  
this Subsection (1)(c).]~~
- 71 (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

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

- 75 (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[;] :
- 78 (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
- 81 (b) any deposit or other guaranty held by the employer for the faithful performance of the duties of the  
employment.
- 83 (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.

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