



## SB0213 compared with SB0213S01

18 Section 1. Section **34-28-9.5** is amended to read:

19 **34-28-9.5. Private cause of action.**

21 (1) Except as provided in Subsection (2), for a wage claim that is less than or equal to \$10,000, the  
employee shall exhaust the employee's administrative remedies described in Section 34-28-9 and  
rules made by the commission under Section 34-28-9 before the employee may file an action in a  
court with jurisdiction under Title 78A, Judiciary and Judicial Administration.

26 (2) ~~{An{}} For one year after the day on which the wages were earned, an~~ employee may file an  
action for a wage claim in a court without exhausting the administrative remedies described in  
Section 34-28-9 and rules made by the commission under Section 34-28-9 if:

30 (a) the employee's wage claim is over \$10,000;

31 (b)

(i) the employee's wage claim is less than or equal to \$10,000;

32 (ii) the employee asserts one or more additional claims against the same employer; and

34 (iii) the aggregate amount of damages resulting from the claims described in this Subsection (2)(b) is  
greater than \$10,000; or

36 (c)

(i) in the same civil action, more than one employee files a wage claim against an employer; and

38 (ii) the aggregate amount of the employees' combined wage claim is greater than \$10,000.

40 (3) In an action under this section, the court may award an employee:

41 (a) actual damages;

42 (b) an amount equal to 2.5% of the unpaid wages owed to the employee, assessed daily for the lesser of:

44 (i) the period beginning the day on which the court issues a final order and ending the day on which the  
employer pays the unpaid wages owed to the employee; or

46 (ii) 20 days after the day on which the court issues a final order; and

47 (c) a penalty described in Subsection 34-28-5(1)(c), if applicable.

46 (4) In an action under this section, an employee may only file a wage claim in a court with jurisdiction  
for three years after the day on which the employee earns the wages.

48 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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