

Utah Payment of Wages Act Statute of Limitations

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE

General Description:

This bill modifies the private cause of action for the payment of wages.

Highlighted Provisions:

This bill:

- enacts a one-year statute of limitations period for a lawsuit under the Utah Payment of
ges Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-28-9.5, as last amended by Laws of Utah 2024, Chapter 158

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

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

34-28-9.5 . Private cause of action.

(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

(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:

(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;

33 and

34 (iii) the aggregate amount of damages resulting from the claims described in this

35 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

37 employer; and

38 (ii) the aggregate amount of the employees' combined wage claim is greater than

39 \$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

43 for the lesser of:

44 (i) the period beginning the day on which the court issues a final order and ending the

45 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.

48 **Section 2. Effective Date.**

49 This bill takes effect on May 6, 2026.