

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 527

By: Ballenger and Garrison of  
the Senate

6 and

7 Proctor of the House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to labor; amending 40 O.S. 2001,  
11 Sections 165.2, as last amended by Section 2, Chapter  
12 277, O.S.L. 2006, and 197.6 (40 O.S. Supp. 2008,  
13 Section 165.2), which relate to the semimonthly or  
14 monthly payment of wages on regular paydays;  
15 requiring an employer who pays an employee with a  
16 check that a bank refuses to honor to reimburse an  
17 employee for certain fees or costs incurred within a  
18 certain time; modifying the required size of certain  
19 notice or notices; making language gender neutral;  
20 and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.2, as  
23 last amended by Section 2, Chapter 277, O.S.L. 2006 (40 O.S. Supp.  
24 2008, Section 165.2), is amended to read as follows:

Section 165.2 Every employer in this state shall pay all wages  
due the employees, other than exempt employees and employees of  
nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and

1 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on  
2 regular paydays designated in advance by the employer. State,  
3 county and municipal employees, exempt employees, and employees of  
4 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and  
5 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each  
6 calendar month. The amount due such employees shall be paid in  
7 lawful money of the United States, including payment by electronic  
8 means, and the employee shall not be deemed to have waived any right  
9 or rights mentioned in this section because of any contract to the  
10 contrary. With each payment of wages earned by such employee, the  
11 employer shall issue to such employee a brief itemized statement of  
12 any and all deductions therefrom. An interval of not more than  
13 eleven (11) days may elapse between the end of the pay period worked  
14 and the regular payday designated by the employer. The employer  
15 shall be allowed three (3) days after such payday in which to comply  
16 with this section.

17 No such employer shall issue, in payment of or as evidence of  
18 indebtedness due an employee any check, cashier's check, draft, time  
19 check, store order, scrip, or other acknowledgment of indebtedness  
20 unless the same is payable or redeemable upon demand without  
21 discount and for face value in lawful money of the United States.  
22 If an employer pays an employee with a check which is subsequently  
23 returned to the employee or an agent thereof by reason of the  
24 refusal of the bank upon which such check was drawn to honor the

1 same due to insufficient funds or a stop payment notice, the  
2 employer shall reimburse the employee for any fees or costs incurred  
3 by the employee due to the refusal to honor the check within  
4 fourteen (14) days of the employer's notice of the bank's refusal to  
5 honor the check.

6 SECTION 2. AMENDATORY 40 O.S. 2001, Section 197.6, is  
7 amended to read as follows:

8 Section 197.6 On and after August 1, 1965, every employer,  
9 subject to this act, shall post a notice or notices of the pertinent  
10 provisions of this act in such form as may be prescribed and  
11 furnished by the Commissioner of Labor. ~~Said~~ The notice shall be  
12 not less than eight and one-half (8 1/2) inches by eleven (11)  
13 inches ~~by seventeen (17) inches~~ in size and shall be displayed in  
14 such a manner so as to be accessible to all employees in each  
15 establishment under the control of the employer. The Commissioner,  
16 or his or her duly authorized representative, may, for the purpose  
17 of determining whether such notice has been properly posted, enter,  
18 during business hours, upon the premises of any employer subject to  
19 this act.

20 SECTION 3. This act shall become effective November 1, 2009.

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22 52-1-7385 MAH 03/18/09

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