

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 838

By: Ivester

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5
6 AS INTRODUCED

7 An Act relating to payment of wages upon death of
8 employee; amending 40 O.S. 2001, Section 165.3a,
9 which relates to payment of certain wages to proper
10 person; increasing amount of certain wages paid upon
11 death of employee; providing for treatment of
12 remainder; providing for treatment of final wages if
13 certain option or life insurance policy exists;
14 authorizing certain affidavit; limiting liability of
15 employer; and providing an effective date.

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

17 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.3a, is
18 amended to read as follows:

19 Section 165.3a. ~~Other than an employee provided with an option~~
20 ~~of beneficiary designation with respect to his wages and benefits by~~
21 ~~his employer, all~~ A. Except as provided in subsection B of this
22 section, all wages earned by an employee, not exceeding ~~Three~~
23 ~~Thousand Dollars (\$3,000.00)~~ Five Thousand Dollars (\$5,000.00),
24 shall, upon the employee's death, become due and payable to the
employee's surviving spouse, or if there is no surviving spouse, the
dependent children, or their guardians or the conservators of their

1 estates, in equal shares, without the necessity of a probate court
2 action. Any remainder shall be deposited in the deceased employee's
3 bank account if such employee had paychecks paid via automatic
4 deposit, or to the deceased employee at the last known address of
5 such employee.

6 B. If the employee had completed an employer provided option of
7 beneficiary designation with respect to the employee's wages and
8 benefits, or if there is no such option of beneficiary designation
9 but the employee has a life insurance policy through the employer,
10 the beneficiary named in the employee's option of beneficiary
11 designation or named in the life insurance policy if there is no
12 such option, shall be paid all wages earned by the deceased employee
13 without the necessity of a probate court action. If the beneficiary
14 is deceased and there is no living secondary or subsequent
15 beneficiary named in the option or life insurance policy if there is
16 no such option, then the final wages and benefits shall be paid
17 pursuant to subsection A of this section.

18 C. An employer may require the proper beneficiary or recipient,
19 as provided in this section, to complete an affidavit of
20 verification before any payment is made pursuant to this section.

21 D. An employer who complies with the provisions of this section
22 shall not be liable to any heir, legatee, devisee, creditor or other
23 person having rights or claims to funds or property of the decedent,
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1 nor for any estate, inheritance or other taxes which may be due the
2 state from the estate as a result of the payment.

3 SECTION 2. This act shall become effective November 1, 2011.

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