

1 ENGROSSED SENATE  
2 BILL NO. 1345

By: Hall of the Senate

3 and

4 Boatman of the House

5  
6 An Act relating to labor; amending 40 O.S. 2021,  
7 Section 165.1, which relates to definition; providing  
8 definitions; amending 40 O.S. 2021, Section 165.2,  
9 which relates to payment of wages; providing  
10 provision for employer to use certain wage payment  
11 option under certain condition; making language  
12 gender neutral; and providing an effective date.

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

14 SECTION 1. AMENDATORY 40 O.S. 2021, Section 165.1, is  
15 amended to read as follows:

16 Section 165.1. As used only in Sections 165.1 through 165.11 of  
17 this title:

18 1. "Employer" means every individual, partnership, firm,  
19 association, corporation, the legal representative of a deceased  
20 individual, or the receiver, trustee or successor of an individual,  
21 firm, partnership, association or corporation, employing any person  
22 in this state;

23 2. "Employee" means any person permitted to work by an  
24 employer;

1 3. "Exempt employee" means those management level employees  
2 exempt under the provisions of Section 213 of the Fair Labor  
3 Standards Act, as amended, 29 U.S.C. Section 213, from the  
4 provisions of Sections 206 and 207 of said act;

5 4. "Financial institution" means a bank, savings bank, savings  
6 and loan association or credit union whose deposits are insured by  
7 the Federal Deposit Insurance Corporation, the National Credit Union  
8 Administration, or any successor institution;

9 5. "Payroll card" means a card or other device used by an  
10 employee to access wages from a payroll card account;

11 6. "Payroll card account" means a prepaid account that is  
12 directly or indirectly established through an employer and to which  
13 transfers of the employee's wages, salary, or other compensation are  
14 made on a recurring basis;

15 7. "Wages" means compensation owed by an employer to an  
16 employee for labor or services rendered, including salaries,  
17 commissions, holiday and vacation pay, overtime pay, severance or  
18 dismissal pay, bonuses and other similar advantages agreed upon  
19 between the employer and the employee, which are earned and due, or  
20 provided by the employer to his or her employees in an established  
21 policy, whether the amount is determined on a time, task, piece,  
22 commission or other basis of calculation;

23 ~~5.~~ 8. "Commissioner" means ~~State~~ the Commissioner of Labor; and  
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1        ~~6.~~ 9. "Bona fide disagreement" means an honest and sincere  
2 belief or assertion based on a dispute of a determinative fact or  
3 application of law under this title which is supported by relevant  
4 evidence.

5        SECTION 2.        AMENDATORY        40 O.S. 2021, Section 165.2, is  
6 amended to read as follows:

7        Section 165.2. Every employer in this state shall pay all wages  
8 due their employees, other than exempt employees and employees of  
9 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and  
10 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on  
11 regular paydays designated in advance by the employer. State,  
12 county and municipal employees, exempt employees, school district  
13 employees, technology center school district employees and employees  
14 of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1)  
15 and 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each  
16 calendar month. The amount due such employees shall be paid in  
17 lawful money of the United States, including payment by electronic  
18 means, and the employee shall not be deemed to have waived any right  
19 or rights mentioned in this section because of any contract to the  
20 contrary. Each employer in this state, in its discretion, may pay  
21 all wages due to an employee by deposit on the payday at a financial  
22 institution of the employee's choice or, if the employee does not  
23 consent or designate a financial institution, to a payroll card  
24 account. With each payment of wages earned by such employee, the

1 employer shall issue to such employee a brief itemized statement of  
2 any and all deductions therefrom. An interval of not more than  
3 eleven (11) days may elapse between the end of the pay period worked  
4 and the regular payday designated by the employer. The employer  
5 shall be allowed three (3) days after such payday in which to comply  
6 with this section.

7 No such employer shall issue, in payment of or as evidence of  
8 indebtedness due an employee any check, cashier's check, draft, time  
9 check, store order, scrip, or other acknowledgment of indebtedness  
10 unless the same is payable or redeemable upon demand without  
11 discount and for face value in lawful money of the United States.  
12 If an employer pays an employee with a check which is subsequently  
13 returned to the employee or an agent thereof by reason of the  
14 refusal of the bank upon which such check was drawn to honor the  
15 same due to insufficient funds or a stop payment notice, the  
16 employer shall reimburse the employee for any fees or costs incurred  
17 by the employee due to the refusal to honor the check within  
18 fourteen (14) days of the employer's notice of the bank's refusal to  
19 honor the check.

20 SECTION 3. This act shall become effective November 1, 2022.

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1 Passed the Senate the 16th day of February, 2022.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2022.

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9 Presiding Officer of the House  
10 of Representatives