

**A-Engrossed**  
**House Bill 2039**

Ordered by the House March 18  
Including House Amendments dated March 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Subjects employer that issues dishonored check for payment of wages to statutory damages and attorney fees. **Creates exception.** Authorizes Commissioner of Bureau of Labor and Industries to impose penalty for issuance of dishonored check in payment of wages. Requires penalties collected to be paid to employee.

**A BILL FOR AN ACT**

1  
2 Relating to liability of employer for issuance of dishonored check in payment of wages.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 652.**

5 **SECTION 2. (1) An employer that issues to an employee a dishonored check for payment**  
6 **of wages due is liable to the employee for the remedies provided in ORS 30.701.**

7 **(2) Except as provided in subsection (3) of this section, the Commissioner of the Bureau**  
8 **of Labor and Industries may assess a civil penalty in an amount equal to the statutory**  
9 **damages provided by ORS 30.701 against an employer that issues a dishonored check to an**  
10 **employee for payment of wages due.**

11 **(3) The commissioner may not assess a civil penalty under this section against an em-**  
12 **ployer that has issued a dishonored check for payment of wages due to an employee if the**  
13 **employee has commenced an action under ORS 30.701 against the employer for the same**  
14 **dishonored check.**

15 **(4) If the commissioner has assessed a civil penalty under subsection (2) of this section,**  
16 **an employee may not bring an action under ORS 30.701 against the employer for the same**  
17 **dishonored check.**

18 **(5) All sums collected as penalties under this section shall be paid to the employee to**  
19 **whom the employer issued the dishonored check.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.