

Enrolled
House Bill 2039

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)

CHAPTER

AN ACT

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

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

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

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

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

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

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

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

Passed by House March 23, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 23, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State