

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1331 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert
- 2 the following:
- 3 "SECTION 1. IC 22-2-6-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Any
- 5 assignment of the wages of an employee is valid only if all of the
- 6 following conditions are satisfied:
- 7 (1) The assignment is:
- 8 (A) in writing;
- 9 (B) signed by the employee personally;
- 10 (C) by its terms revocable at any time by the employee upon
- 11 written notice to the employer; and
- 12 (D) agreed to in writing by the employer.
- 13 (2) An executed copy of the assignment is delivered to the
- 14 employer within ten (10) days after its execution.
- 15 (3) The assignment is made for a purpose described in subsection
- 16 (b).
- 17 (b) A wage assignment under this section may be made for the
- 18 purpose of paying any of the following:
- 19 (1) Premium on a policy of insurance obtained for the employee
- 20 by the employer.
- 21 (2) Pledge or contribution of the employee to a charitable or
- 22 nonprofit organization.
- 23 (3) Purchase price of bonds or securities, issued or guaranteed by
- 24 the United States.

- 1 (4) Purchase price of shares of stock, or fractional interests  
2 therein, of the employing company, or of a company owning the  
3 majority of the issued and outstanding stock of the employing  
4 company, whether purchased from such company, in the open  
5 market or otherwise. However, if such shares are to be purchased  
6 on installments pursuant to a written purchase agreement, the  
7 employee has the right under the purchase agreement at any time  
8 before completing purchase of such shares to cancel said  
9 agreement and to have repaid promptly the amount of all  
10 installment payments which theretofore have been made.
- 11 (5) Dues to become owing by the employee to a labor  
12 organization of which the employee is a member.
- 13 (6) Purchase price of merchandise sold by the employer to the  
14 employee, at the written request of the employee.
- 15 (7) Amount of a loan made to the employee by the employer and  
16 evidenced by a written instrument executed by the employee  
17 subject to the amount limits set forth in section 4(c) of this  
18 chapter.
- 19 (8) Contributions, assessments, or dues of the employee to a  
20 hospital service or a surgical or medical expense plan or to an  
21 employees' association, trust, or plan existing for the purpose of  
22 paying pensions or other benefits to said employee or to others  
23 designated by the employee.
- 24 (9) Payment to any credit union, nonprofit organizations, or  
25 associations of employees of such employer organized under any  
26 law of this state or of the United States.
- 27 (10) Payment to any person or organization regulated under the  
28 Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit  
29 to the employee's account by electronic transfer or as otherwise  
30 designated by the employee.
- 31 (11) Premiums on policies of insurance and annuities purchased  
32 by the employee on the employee's life.
- 33 (12) The purchase price of shares or fractional interest in shares  
34 in one (1) or more mutual funds.
- 35 (13) A judgment owed by the employee if the payment:  
36 (A) is made in accordance with an agreement between the  
37 employee and the creditor; and  
38 (B) is not a garnishment under IC 34-25-3.
- 39 **(14) Notwithstanding the requirements of subsection (a), the**  
40 **amount of an advance made to a driver employee by a**  
41 **trucking business to the extent the amount exceeds the**  
42 **amount that is substantiated with a receipt or other**  
43 **appropriate documentary evidence that at least complies with**  
44 **the requirements applicable to reimbursement or other**  
45 **expense allowance arrangements under 26 U.S.C. 62(c). The**  
46 **trucking business may not make a deduction unless, at the**

1           **time of the advance, the trucking business has provided notice**  
2           **to the driver employee that the amount advanced may be**  
3           **deducted from a subsequent paycheck to the extent that the**  
4           **amount exceeds the amount substantiated under this**  
5           **subdivision. A driver employee may revoke consent to the**  
6           **deduction of amounts advanced by providing written notice**  
7           **to the trucking business prior to the driver employee's receipt**  
8           **of any future amounts advanced by the trucking business.**  
9           **Advances may not be considered an overpayment of wages as**  
10          **defined by IC 22-2-6-4(a). For purposes of this subsection, a**  
11          **trucking business is a business engaged in the interstate or**  
12          **intrastate transportation of property or household goods over**  
13          **public highways in the state that either:**  
14               **(A) holds a registration issued by the federal Motor**  
15               **Carrier Safety Administration under 49 U.S.C. 13902; or**  
16               **(B) is subject to the safety and certification requirements**  
17               **of the department of state revenue under IC 8-2.1-24."**

18          Page 2, delete lines 1 through 7.

(Reference is to HB 1331 as printed January 25, 2008.)

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Representative Oxley