

2020 SESSION

INTRODUCED

20101536D

HOUSE BILL NO. 335

Offered January 8, 2020

Prefiled January 1, 2020

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to liability of a payroll processing company that prevents the distribution of the employer's payroll.*

Patron—Krizek

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. *Liability for preventing a payroll processing company's distribution of wage payments.*

A. As used in this section, "payroll processing company" means a person that contracts with an employer to distribute the employer's wage payments to the employer's employees.

B. Notwithstanding any other provision of law to the contrary, any payroll processing company or other person that intentionally prevents the distribution by a payroll processing company of the employer's wage payments to its employees in accordance with the terms of the payroll processing company's contract with the employer shall be liable to any employee of the employer who failed to receive an expected payment of wages for an amount that is three times the expected payment of wages.

C. This section does not apply to any person that intentionally prevents the distribution by a payroll processing company of the employer's wage payments to the employer's employees if such person's act is required by final order of any court of competent jurisdiction.

D. Liability under this section is in addition to any other applicable penalties and causes of action.

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