

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 15

(By Mr. Barnhart.)



PASSED March 4th 1937

In Effect 90 days from Passage

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Senate Bill No. 15

(BY MR. BARNHART)

[Passed March 4, 1937; in effect 90 days from passage.]

AN ACT to amend and reenact section three, article five, chapter twenty-one, of the code of West Virginia, one thousand nine hundred thirty-one, relating to assignment of wages.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 3. Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees

4 at least once in every two weeks, unless otherwise provided
5 by special agreement, and pay them the amount due them
6 for their work or services in lawful money of the United
7 States, or by the cash order as described and required in the
8 next succeeding section of this article: *Provided, however,*
9 That if, at any time of payment, any employee shall be ab-
10 sent from his regular place of labor and shall not receive
11 his wages through a duly authorized representative, he shall
12 be entitled to such payment at any time thereafter upon
13 demand upon the proper paymaster at the place where such
14 wages are usually paid and where the next pay is due.

15 Nothing herein contained shall affect the right of an
16 employee to assign part of his claim against his employer
17 except as hereafter provided.

18 No assignment of or order for future wages shall be
19 valid for a period exceeding one year from the date of
20 such assignment or order. Such assignment or order shall
21 be acknowledged by the party making the same before a
22 notary public or other officer authorized to take acknowl-
23 edgments, and such order or assignment shall specify there-
24 on the total amount due and collectible by virtue of the

25 same, and three-fourths of the periodical earnings or wages
26 of the assignor shall at all times be exempt from such as-
27 signment or order and no assignment or order shall be valid
28 which does not so state upon its face: and, *Provided further,*
29 That no such order or assignment shall be valid unless
30 the written acceptance of the employer of the assignor to
31 the making thereof, is endorsed thereon: *Provided,*
32 *further,* That nothing herein contained shall be construed
33 as affecting the right of employer and employee to agree be-
34 tween themselves as to deductions to be made from the payroll
35 of employees.

36 The provisions of this section shall be construed as sever-
37 able, and should any paragraph, sentence, or clause be held
38 void or invalid, the remaining provisions shall not be affected
39 thereby.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carl B. Guthrie

Chairman Senate Committee

Wesley Walter

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Chambers

Clerk of the Senate

Geo. Hall

Clerk of the House of Delegates

Geo. E. Hodges

President of the Senate

Jamus Kay Thomas

Speaker House of Delegates

The within *Approved* this the *10th*

day of *March*, 1937.

Amasa

Governor

Filed in the office of the Secretary of State of West Virginia. **MAR 10 1937**

Wm. S. O'BRIEN, Secretary of State