

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 64

(By Mr. Parson)

PASSED March 1 1943

In Effect From Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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Senate Bill No. 64

(By MR. BOREMAN)

[Passed March 1, 1943; in effect 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, as last amended, 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, as last amended, be amended and reenacted to read as follows:

Section 3. *Payment of Wages by Employers Other Than*
2 *Railroads; Assignment of Wages.* Every person, firm or
3 corporation doing business in this State, except railroad

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

17 Nothing herein contained shall affect the right of an
18 employee to assign part of his claim against his em-
19 ployer except as hereafter provided.

20 No assignment of or order for future wages shall be
21 valid for a period exceeding one year from the date of
22 such assignment or order. Such assignment or order

23 shall be acknowledged by the party making the same
24 before a notary public or other officer authorized to take
25 acknowledgments, and such order or assignment shall
26 specify thereon the total amount due and collectible by
27 virtue of the same and three-fourths of the periodical
28 earnings or wages of the assignor shall at all times be ex-
29 empt from such assignment or order and no assignment
30 or order shall be valid which does not so state upon its
31 face: *Provided further*, That no such order or as-
32 signment shall be valid unless the written acceptance of
33 the employer of the assignor to the making thereof, is
34 endorsed thereon: *Provided further*, That nothing here-
35 in contained shall be construed as affecting the right
36 of employer and employees to agree between them-
37 selves as to deductions to be made from the payroll of em-
38 ployees; and, *Provided further*, That nothing herein
39 contained shall be construed as affecting the right of
40 teachers who have elected to become members of a county
41 teachers' retirement system, as permitted by section two,
42 article seven-a, chapter thirty-six, acts of the Legislature

43 of West Virginia, regular session, one thousand nine
44 hundred forty-one, to make assignments of or orders
45 for future wages to such systems for periods coextensive
46 with the term of their contracts of employment.

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

Ray Z. Johnson
Chairman Senate Committee

Ernest G. Patney
Chairman House Committee

Originated in the Senate

Takes effect From passage

A. Isaac Watkins
Clerk of the Senate

J. Schiff
Clerk of the House of Delegates

James Paule
President of the Senate

John E. Brown
Speaker House of Delegates

The within approved this the 5th
day of March, 1943.

Matthew N. Neely
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 5 1943

Wm. S. O'BRIEN,
Secretary of State