

HOUSE BILL No. 2022

By Committee on Commerce, Labor and Economic Development

1-17

Proposed Amendments for HB 2022
January 23, 2013
Prepared by Ken Wilke
Office of the Revisor of Statutes

1 AN ACT concerning certain deductions from wages; amending K.S.A.
2 2012 Supp. 44-319 and repealing the existing section.

3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. K.S.A. 2012 Supp. 44-319 is hereby amended to read as
5 follows: 44-319. (a) *Except as provided in subsections (b) and (c), no*
6 *employer may withhold, deduct or divert any portion of an employee's*
7 *wages unless:*

8 (1) The employer is required or empowered to do so by state or
9 federal law;

10 (2) the deductions are for medical, surgical or hospital care or service,
11 without financial benefit to the employer; and are openly, clearly and in
12 due course recorded in the employer's books;

13 (3) the employer has a signed authorization by the employee for
14 deductions for a lawful purpose accruing to the benefit of the employee; or
15 (4) the deductions are for contributions attributable to automatic
16 enrollment, as defined in K.S.A. 2012 Supp. 44-319a, and amendments
17 thereto, in a retirement plan established by the employer described in
18 sections 401(k), 403(b), 408, 408A or 457 of the internal revenue code.

19 (b) *Subject to the provisions of subsection (e), pursuant to a signed*
20 *written agreement between the employer and employee, an employer may*
21 *withhold, deduct or divert any portion of an employee's wages for the*
22 *following purposes:*

23 (1) *To allow the employee to repay a loan or advance which the*
24 *employer made to the employee during the course of and within the scope*
25 *of employment;*

26 (2) *to allow for recovery of payroll overpayment; and*
27 (3) *to compensate the employer for the replacement cost or unpaid*
28 *balance of the cost of the employer's merchandise or uniforms purchased*
29 *by the employee.*

30 (c) *Subject to the provisions of subsection (e), upon providing a*
31 *written notice and explanation, an employer may withhold, deduct or*
32 *divert any portion of an employee's final wages for the following*
33 *purposes:*

34 (1) *To recover the employer's property provided to the employee in*
35 *the course of the employer's business including, but not limited to, tools of*
36

final