

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1794**

67th Legislature  
2022 Regular Session

Passed by the House February 8, 2022  
Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate March 1, 2022  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1794** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1794**

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Passed Legislature - 2022 Regular Session

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet, and Young; by request of Department of Labor & Industries)

READ FIRST TIME 01/25/22.

1       AN ACT Relating to requiring an employer to reimburse employee  
2 fees when a paycheck is dishonored by nonacceptance or nonpayment;  
3 and amending RCW 49.48.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 49.48.010 and 2020 c 84 s 3 are each amended to read  
6 as follows:

7       (1) (a) When any employer pays an employee's wages with any  
8 instrument defined by RCW 62A.3-104 that is subsequently returned for  
9 nonsufficient funds, the employer shall reimburse the employee for a  
10 fee charged by the employee's financial institution for the  
11 dishonored instrument so long as the employee presents the instrument  
12 within 30 days of its receipt.

13       (b) The employer shall not be liable to reimburse any fees  
14 incurred by the employee if the employer presents written  
15 confirmation by the employer's financial institution that the  
16 instrument was returned for nonsufficient funds due to an error.

17       (2) When any employee shall cease to work for an employer,  
18 whether by discharge or by voluntary withdrawal, the wages due him or  
19 her on account of his or her employment shall be paid to him or her  
20 at the end of the established pay period: PROVIDED, HOWEVER, That  
21 this ((paragraph)) subsection shall not apply when workers are

1 engaged in an employment that normally involves working for several  
2 employers in the same industry interchangeably, and the several  
3 employers or some of them cooperate to establish a plan for the  
4 weekly payment of wages at a central place or places and in  
5 accordance with a unified schedule of paydays providing for at least  
6 one payday each week; but this subsection shall not apply to any such  
7 plan until ten days after notice of their intention to set up such a  
8 plan shall have been given to the director of labor and industries by  
9 the employers who cooperate to establish the plan; and having once  
10 been established, no such plan can be abandoned except after notice  
11 of their intention to abandon such plan has been given to the  
12 director of labor and industries by the employers intending to  
13 abandon the plan: PROVIDED FURTHER, That the duty to pay an employee  
14 forthwith shall not apply if the labor-management agreement under  
15 which the employee has been employed provides otherwise.

16 (3) It shall be unlawful for any employer to withhold or divert  
17 any portion of an employee's wages unless the deduction is:

18 ~~((1))~~ (a) Required by state or federal law; or

19 ~~((2))~~ (b) Except as prohibited under RCW 49.48.160,  
20 specifically agreed upon orally or in writing by the employee and  
21 employer; or

22 ~~((3))~~ (c) For medical, surgical, or hospital care or service,  
23 pursuant to any rule or regulation: PROVIDED, HOWEVER, That the  
24 deduction is openly, clearly, and in due course recorded in the  
25 employer's books and records.

26 ~~((Paragraph two of this section))~~ (4) Subsection (3) of this  
27 section shall not be construed to affect the right of any employer or  
28 former employer to sue upon or collect any debt owed to said employer  
29 or former employer by his or her employees or former employees.

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