

By: Cole

H.B. No. 2175

A BILL TO BE ENTITLED

AN ACT

relating to the minimum wage for certain tipped employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 62.051, Labor Code, is amended to read as follows:

Sec. 62.051. MINIMUM WAGE. Except as provided by Sections 62.052 and ~~[Section]~~ 62.057, an employer shall pay to each employee the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

SECTION 2. Section 62.052, Labor Code, is amended to read as follows:

Sec. 62.052. TIPPED EMPLOYEES. (a) ~~[In determining the wage of a tipped employee, the amount paid the employee by the employer is the amount described as paid to a tipped employee under Section 3(m), Fair Labor Standards Act of 1938 (29 U.S.C. Section 203(m)).~~

~~[(b)]~~ In this section, "tipped employee" means an employee engaged in an occupation in which the employee customarily and regularly receives more than \$20 a month in tips.

(b) An employer shall pay to each tipped employee the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206(a)(1)). The amount paid to an employee may not be reduced by a tip credit against the minimum wage.

(c) This section may not be construed to allow an employer

1 to keep any portion of a tipped employee's tips.

2 SECTION 3. This Act takes effect September 1, 2023.