

By: Canales

H.B. No. 1215

A BILL TO BE ENTITLED

AN ACT

relating to the payment of gratuities to certain employees.

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

SECTION 1. Subchapter B, Chapter 61, Labor Code, is amended by adding Section 61.021 to read as follows:

Sec. 61.021. GRATUITIES PAID TO CERTAIN TIPPED EMPLOYEES.

(a) In this section:

(1) "Restaurant" means an establishment that derives 75 percent or more of its gross revenue from the sale of food and beverages, not including alcoholic beverages, for on-premises consumption. The term does not include a hotel or motel, except that a restaurant operated at a hotel or motel is included in the term.

(2) "Tipped employee" has the meaning assigned by Section 62.052.

(b) An employer may not collect or receive any portion of a gratuity paid to or left for a tipped employee employed at a restaurant, including for the purpose of compensating a credit card company for any financial services rendered on account of the gratuity. The gratuity is the property of the tipped employee.

SECTION 2. Section 61.021, Labor Code, as added by this Act, applies only to a gratuity paid to or left for an employee on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.