

By: Simmons

H.B. No. 2472

A BILL TO BE ENTITLED

AN ACT

relating to the payment of gratuities to tipped employees; creating
a criminal offense.

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 TIPPED EMPLOYEE; CRIMINAL
PENALTY. (a) In this section, "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 for any purpose,
including for the purpose of compensating a credit or debit card
issuer for any financial services rendered on account of the
gratuity, regardless of whether the employer takes a tip credit
against the payment of the minimum wage to the employee. The
gratuity is the sole property of the tipped employee.

(c) An employer must pay to a tipped employee the amount of
any gratuity left for the employee by a customer who pays with a
credit or debit card not later than the employee's first payday
after the date on which the gratuity was authorized.

(d) An employer commits an offense if the employer violates
this section. An offense under this subsection is a felony of the
third degree.

(e) Each violation of this section is a separate offense.

1 SECTION 2. Section 61.021, Labor Code, as added by this Act,
2 applies only to conduct that occurs on or after the effective date
3 of this Act.

4 SECTION 3. This Act takes effect September 1, 2025.