

SENATE BILL 553

K3

3lr2189

By: **Senator Getty**

Introduced and read first time: February 1, 2013

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2013

CHAPTER _____

1 AN ACT concerning

2 **Tipped Employees – Payments or Deduction from Wages – Prohibition**

3 FOR the purpose of prohibiting certain employers from requiring a tipped employee to
4 reimburse or pay the employer certain amounts under certain circumstances;
5 prohibiting certain employers from deducting certain amounts from a tipped
6 employee under certain circumstances; requiring certain employers to post
7 certain notices in certain places in a form required by the Commissioner of
8 Labor and Industry; defining a certain term; and generally relating to tipped
9 employees and unpaid customer charges.

10 BY adding to

11 Article – Labor and Employment

12 Section 3–713

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2012 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Labor and Employment**

18 **3–713.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SECTION, "TIPPED EMPLOYEE" MEANS AN EMPLOYEE WHO
2 IS ENGAGED IN AN OCCUPATION IN WHICH THE EMPLOYEE CUSTOMARILY AND
3 REGULARLY RECEIVES MORE THAN \$30 EACH MONTH IN TIPS OR GRATUITIES.

4 (B) (1) AN EMPLOYER MAY NOT REQUIRE A TIPPED EMPLOYEE TO
5 REIMBURSE THE EMPLOYER OR PAY TO THE EMPLOYER AN AMOUNT
6 EQUIVALENT TO A CUSTOMER'S CHARGE FOR FOOD OR BEVERAGES IF THE
7 CUSTOMER LEAVES THE EMPLOYER'S PLACE OF BUSINESS WITHOUT PAYING
8 THE CHARGE FOR FOOD OR BEVERAGES.

9 (2) SUBJECT TO § 3-503 OF THIS TITLE, AN EMPLOYER MAY NOT
10 MAKE A DEDUCTION FROM THE WAGE OF A TIPPED EMPLOYEE TO REIMBURSE
11 THE EMPLOYER FOR AN AMOUNT EQUIVALENT TO A CUSTOMER'S CHARGE FOR
12 FOOD OR BEVERAGES IF THE CUSTOMER LEAVES THE EMPLOYER'S PLACE OF
13 BUSINESS WITHOUT PAYING THE CHARGE FOR FOOD OR BEVERAGES.

14 (C) EACH EMPLOYER SHALL KEEP POSTED CONSPICUOUSLY IN A PLACE
15 WHERE A TIPPED EMPLOYEE IS EMPLOYED A PRINTED NOTICE OF THE
16 PROVISIONS OF THIS SECTION, IN A FORM THAT THE COMMISSIONER REQUIRES.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.