

CHAPTER 153
SB 137 - FINAL VERSION

04/01/2021 0983s
4Jun2021... 1596h

2021 SESSION

21-1073
04/06

SENATE BILL ***137***

AN ACT relative to the minimum hourly rate for tipped employees.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Commerce

ANALYSIS

 This bill changes the hourly rate for tipped employee contingent on an increase in the federal minimum wage.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 153
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04/01/2021 0983s
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the minimum hourly rate for tipped employees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 153:1 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA
2 279:21 to read as follows:

3 Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee
4 at an hourly rate lower than that set forth in the federal minimum wage law, as amended. Tipped
5 employees of a restaurant, ***cigar bar as defined in RSA 178:20-a, II***, hotel, motel, inn or cabin, or
6 ballroom who customarily and regularly receive more than \$30 a month in tips directly from the
7 customers will receive a base rate from the employer of not less than ~~[45 percent of the applicable~~
8 ~~minimum wage]~~ ***the minimum direct wage as set forth in the federal minimum wage law, as***
9 ***amended, but in no case less than \$3.27 per hour.*** If ***such*** an employee shows to the satisfaction
10 of the commissioner that the actual amount of wages received at the end of each pay period did not
11 equal the minimum wage for all hours worked, the employer shall pay the employee the difference to
12 guarantee the ~~[applicable]~~ ***federal statutory*** minimum wage. The limitations imposed hereby shall
13 be subject to the following exceptions:

14 153:2 Contingency. Section 1 of this act shall take effect on the date the federal minimum wage
15 is increased from the federal minimum wage in effect on the effective date of this act.

16 153:3 Effective Date.

17 I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

Approved: July 23, 2021

Effective Date:

I. Section 1 shall take effect as provided in section 2.

II. Remainder shall take effect July 23, 2021.