

CHAPTER 168

LABOR AND INDUSTRY

HOUSE BILL 19-1254

BY REPRESENTATIVE(S) McLachlan and Van Winkle, Melton, Singer, Sirota;
also SENATOR(S) Fields and Priola, Court, Moreno, Pettersen, Rodriguez, Winter.

AN ACT**CONCERNING THE NOTICE REQUIREMENTS OF EMPLOYERS WITH REGARD TO THE SHARING OF GRATUITIES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby declares that this act does not change who may participate in the sharing of gratuities or who may be required to share gratuities and does not change the legal minimum wage for any person in Colorado.

SECTION 2. In Colorado Revised Statutes, 8-4-103, **amend** (6) as follows:

8-4-103. Payment of wages - insufficient funds - pay statement - record retention - gratuity notification. (6) It is unlawful for ~~any~~ **AN** employer engaged in ~~any~~ **A** business where the custom prevails of the giving of ~~presents, tips, or~~ gratuities by patrons thereof to an employee of ~~said~~ **THE** business to assert ~~any~~ **A** claim to, or right of ownership in, or control over ~~such presents, tips, or~~ gratuities. ~~and such presents, tips, or~~ **THESE** gratuities ~~shall be~~ **ARE** the sole property of the employee of ~~said business~~ unless the employer ~~posts in his or her place of business~~ in a conspicuous place a printed card, at least twelve inches by fifteen inches in size, containing a notice to the general public in letters at least one-half inch high that all presents, tips, or gratuities given by any patron of said business to an employee thereof are not the property of said employee but belong to the employer **NOTIFIES EACH PATRON IN WRITING, INCLUDING BY A NOTICE ON A MENU, TABLE TENT, OR RECEIPT, THAT GRATUITIES ARE SHARED BY EMPLOYEES. Nothing in this section shall prevent PREVENTS an employer covered hereby from requiring employees to share or allocate such presents, tips, or gratuities on a preestablished basis among the employees of such THE business.**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to gratuities given on or after the applicable effective date of this act.

Approved: May 13, 2019