

## **BILL ANALYSIS**

H.B. 326  
By: Canales  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that some employers are forcing tipped employees to pay for credit or debit card transaction fees out of the gratuities they receive in connection with such transactions. H.B. 326 seeks to address this concern by prohibiting an employer from collecting or receiving any portion of a gratuity paid to or left for such an employee for any purpose.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 326 amends the Labor Code to prohibit an employer from collecting or receiving any portion of a gratuity paid to or left for an employee engaged in an occupation in which the employee customarily and regularly receives more than \$20 a month in tips, including for the purpose of compensating a credit or debit card issuer for any financial services rendered on account of the gratuity. The bill establishes that the gratuity is the property of such an employee.

### **EFFECTIVE DATE**

September 1, 2017.