

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2003 Session of 2018

INTRODUCED BY D. COSTA, READSHAW, SCHLOSSBERG, KAUFER,
 J. McNEILL, ENGLISH, KAVULICH, THOMAS, DRISCOLL, JAMES,
 DUNBAR, HILL-EVANS, WARNER, CALTAGIRONE, NEILSON, JOZWIAK,
 W. KELLER, M. QUINN AND SCHWEYER, JANUARY 9, 2018

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 9, 2018

AN ACT

1 Amending the act of July 14, 1961 (P.L.637, No.329), entitled
 2 "An act relating to the payment of wages or compensation for
 3 labor or services; providing for regular pay days; conferring
 4 powers and duties upon the Department of Labor and Industry,
 5 including powers and duties with respect to the civil
 6 collection of wages; providing civil and criminal penalties
 7 for violations of the act; providing for their collection and
 8 disposition and providing for additional civil damages,"
 9 further providing for definitions; and providing for
 10 gratuities.

11 The General Assembly of the Commonwealth of Pennsylvania
 12 hereby enacts as follows:

13 Section 1. Section 2.1 of the act of July 14, 1961 (P.L.637,
 14 No.329), known as the Wage Payment and Collection Law, is
 15 amended by adding a definition to read:

16 Section 2.1. Definitions.--The following words and phrases
 17 when used in this act shall have, unless the context clearly
 18 indicates otherwise, the meanings given to them in this section:

19 * * *

20 "Gratuity." A voluntary, monetary contribution received by
 21 an employe from a guest, patron or customer for services

1 rendered.

2 * * *

3 Section 2. The act is amended by adding a section to read:

4 Section 3.1. Gratuities.--(a) A gratuity is the sole
5 property of the employe to whom it is paid, given or left. An
6 employer may not take a gratuity or a part of a gratuity that is
7 paid, given to or left for an employe by a patron or require an
8 employe to credit the gratuity against the wages due the employe
9 from the employer.

10 (b) An employer that permits patrons to pay gratuities by
11 credit card shall pay the employes the full amount of the
12 gratuity that the patron indicated on the credit card slip,
13 without a deduction for any credit card payment processing fees
14 or costs that may be charged to the employer by the credit card
15 company. Payment of gratuities made by patrons using credit
16 cards shall be made to the employes not later than the next
17 regular payday following the date the patron authorized the
18 credit card payment.

19 Section 3. This act shall take effect in 60 days.