

104TH CONGRESS
2D SESSION

H. R. 4031

To provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. RIGGS introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PREEMPTION.**

4 No State or political subdivision of State may estab-
5 lish or enforce a law, ordinance, regulation, or order which
6 prescribes the manner in which a tipped employee's tips

1 will be considered in determining if such tipped employee
2 has been paid the applicable minimum wage if such law,
3 ordinance, regulation, or order precludes a tip credit or
4 requires a tip credit less than the tip credit permitted
5 under section 3(m) of the Fair Labor Standards Act of
6 1938 (29 U.S.C. 203(m)).

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