

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0572.01 Jery Payne x2157

**HOUSE BILL 19-1254**

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**HOUSE SPONSORSHIP**

**McLachlan and Van Winkle**, Melton, Singer, Sirota

**SENATE SPONSORSHIP**

**Fields and Priola**, Court, Moreno, Pettersen, Rodriguez, Winter

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**House Committees**  
Business Affairs & Labor

**Senate Committees**  
Business, Labor, & Technology

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**A BILL FOR AN ACT**

101 **CONCERNING THE NOTICE REQUIREMENTS OF EMPLOYERS WITH**  
102 **REGARD TO THE SHARING OF GRATUITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law authorizes an employer to require employees to share gratuities if the employer posts a sign in a conspicuous place. The bill changes this law by requiring notification to each patron in writing, such as on the menu, table, or receipt.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
April 22, 2019

SENATE  
2nd Reading Unamended  
April 19, 2019

HOUSE  
3rd Reading Unamended  
April 8, 2019

HOUSE  
Amended 2nd Reading  
April 5, 2019

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

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

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

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

26 **SECTION 3. Act subject to petition - effective date -**  
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

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

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