

**HOUSE . . . . . No. 3156**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Aaron Michlewitz*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to clarify the tips law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>1/20/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>11/1/2017</i>

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By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3156) of Aaron Michlewitz and Joseph W. McGonagle, Jr., for legislation to further protect employees’ rights to tips. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1747 OF 2015-2016.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to clarify the tips law.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 152A of Ch.149 of the General Laws as appearing in chapter 125 section 13 of  
2 the Acts of 2004 is amended by deleting the meaning of “Wait staff employee” as appearing in  
3 paragraph (a) and inserting in place thereof the following:

4           “Wait staff employee”, a person, including a waiter, waitress, bus person, and counter  
5 staff who: (1) serves beverages or prepared food directly to patrons, or who clears patrons’  
6 tables; (2) works in a restaurant, banquet facility, or other place where prepared food or  
7 beverages are served; and (3) who has no managerial responsibility during a day in which the  
8 person serves beverages or prepared food or clears patrons’ tables.