

HOUSE No. 3885

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz

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 relative to minimum gratuity while dining.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/20/2023</i>

HOUSE No. 3885

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 3885) of Manny Cruz relative to minimum gratuity while dining. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to minimum gratuity while dining.

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

1 Chapter 149 of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by inserting after section 152A the following section:-

3 Section 152B. (a) For the purposes of this section the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Service charge”, a fee charged by a restaurant to a patron in lieu of a tip to any wait staff
6 employee, service employee or service bartender, including any fee designated as a service
7 charge, tip, gratuity or a fee that a patron or other consumer would reasonably expect to be given
8 to a wait staff employee, service employee or service bartender in lieu of, or in addition to, a tip.

9 “Peak restaurant season”, the period of the year when tourists are mostly likely to visit a
10 municipality as determined pursuant to subsection (c).

11 (b) During a municipality’s peak restaurant season, a restaurant within the municipality
12 may include a minimum service charge of no less than 19 per cent with each bill, invoice or

13 charge to parties consisting of 4 or more patrons; provided that the restaurant provides notice of
14 the minimum service charge by posting information in a conspicuous place in the restaurant or
15 on the menu.

16 (c) The municipality's peak restaurant season shall be determined by a vote of the city
17 council, in the case of a city, or by a vote of the select board or board of selectmen, in the case of
18 a town. The city council or town select board shall specifically define the peak restaurant season
19 in their city or town, if they decide to give restaurants, located in that city or town, the option of
20 charging a minimum service charge during peak restaurant season. Once the peak restaurant
21 season is determined, restaurants within that municipality may implement a minimum service
22 charge pursuant to subsection (b).

23 (d) If a restaurant implements a minimum service charge during peak restaurant season,
24 they shall be required to give patrons notice about the minimum service charge.