

HOUSE BILL 550

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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AN ACT

RELATING TO THE MINIMUM WAGE; RAISING THE MINIMUM WAGE FOR
EMPLOYEES WHO REGULARLY AND CUSTOMARILY RECEIVE TIPS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,
Chapter 200, Section 3, as amended) is amended to read:

"50-4-22. MINIMUM WAGES.--

A. An employer shall pay an employee the minimum
wage rate of six dollars fifty cents (\$6.50) an hour. As of
January 1, 2009, an employer shall pay the minimum wage rate of
seven dollars fifty cents (\$7.50) an hour.

B. An employer furnishing food, utilities, supplies
or housing to an employee who is engaged in agriculture may
deduct the reasonable value of such furnished items from any
wages due to the employee.

.192351.1

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underscored material = new
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1 C. An employee who customarily and regularly
2 receives more than thirty dollars (\$30.00) a ~~[month]~~ week in
3 tips shall be paid a minimum hourly wage of ~~[two dollars~~
4 ~~thirteen cents (\$2.13)]~~ three dollars twenty-five cents
5 (\$3.25). The employer may consider tips as part of wages, but
6 the tips combined with the employer's cash wage shall not equal
7 less than the minimum wage rate as provided in Subsection A of
8 this section. All tips received by such employees shall be
9 retained by the employee, except that nothing in this section
10 shall prohibit the pooling of tips among employees paid
11 pursuant to this subsection.

12 D. An employee shall not be required to work more
13 than forty hours in any week of seven days, unless the employee
14 is paid one and one-half times the employee's regular hourly
15 rate of pay for all hours worked in excess of forty hours. For
16 an employee who is paid a fixed salary for fluctuating hours
17 and who is employed by an employer a majority of whose business
18 in New Mexico consists of providing investigative services to
19 the federal government, the hourly rate may be calculated in
20 accordance with the provisions of the federal Fair Labor
21 Standards Act of 1938 and the regulations pursuant to that act;
22 provided that in no case shall the hourly rate be less than the
23 federal minimum wage."