

House Bill 681

By: Representatives Smith of the 41<sup>st</sup>, Alexander of the 66<sup>th</sup>, Frye of the 118<sup>th</sup>, and Jones of the 62<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 minimum wage, so as to provide changes to the minimum wage law; to provide a credit  
3 toward the minimum wage for employers of tipped workers; to provide for related matters;  
4 to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage,  
8 is amended by revising Code Section 34-4-3, relating to amount of minimum wage to be paid  
9 by employers, as follows:

10 "34-4-3.

11 (a) Except as otherwise provided in this Code section, every employer, whether a person,  
12 firm, or corporation, shall pay to all covered employees a minimum wage which shall be  
13 not less than ~~\$5.15 per hour~~ the following amounts for each hour worked in the  
14 employment of such employer:

15 (1) On or before December 31, 2013, \$5.15 per hour;

16 (2) On or after January 1, 2014, and on or before December 31, 2015, \$8.10 per hour;

17 (3) On or after January 1, 2016, and on or before December 31, 2017, \$8.95 per hour;

18 and

19 (4) On or after January 1, 2018, \$9.80 per hour.

20 (b) Employers of employees who meet the eligibility requirements for the tip credit under  
21 the federal Fair Labor Standards Act, 29 U.S.C. Section 203t, may credit tips towards the  
22 satisfaction of up to 70 percent of the minimum wage provided by this Code section.

23 ~~(b)~~(c) This chapter shall not apply ~~with respect to~~:

24 (1) Any employer that has sales of \$40,000.00 per year or less;

25 (2) Any employer having five employees or less;

26 (3) Any employer of domestic employees;

- 27 (4) Any employer who is a farm owner, sharecropper, or land renter;  
28 (5) Any employee whose compensation consists wholly or partially of gratuities;  
29 (6) Any employee who is a high school or college student;  
30 (7) Any individual who is employed as a newspaper carrier; or  
31 (8) Any individual who is employed by a nonprofit child-caring institution or long-term  
32 care facility serving children or mentally disabled adults who are enrolled in such  
33 institution and reside in residential facilities of the institution, if such employee resides  
34 in such facilities, receives without cost board and lodging from such institution, and is  
35 compensated on a cash basis at an annual rate of not less than \$10,000.00.  
36 ~~(c)~~(d) This chapter shall not apply to any employer who is subject to the minimum wage  
37 provisions of any act of Congress as to employees covered thereby if such act of Congress  
38 provides for a minimum wage which is greater than the minimum wage which is provided  
39 for in this Code section."

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**SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.