

House Bill 395

By: Representatives McClain of the 109th, Hugley of the 141st, Alexander of the 66th, Jones of the 60th, Jackson of the 68th, and others

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 law, so as to provide for an increase in the minimum wage; to provide a
3 credit toward the minimum wage for employers of tipped workers; to eliminate various
4 eligibility exemptions from the minimum wage; to provide for related matters; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "34-4-3.

12 (a) Except as otherwise provided in this Code section, every employer, whether a person,
13 firm, or corporation, shall pay to all covered employees a minimum wage which shall be
14 not less than ~~\$5.15~~ \$15.00 per hour for each hour worked in the employment of such
15 employer.

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16 (b) Employers of employees that meet the eligibility requirements for the tip credit under
 17 the federal Fair Labor Standards Act, 29 U.S.C. Section 203(t), may credit tips toward the
 18 satisfaction of up to 50 percent of the minimum wage provided by this Code section.

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

- 20 (1) Any employer that has sales of ~~\$40,000.00~~ \$100,000.00 per year or less;
- 21 (2) Any employer having five employees or less;
- 22 ~~(3) Any employer of domestic employees;~~
- 23 ~~(4) Any employer who is a farm owner, sharecropper, or land renter;~~
- 24 ~~(5) Any employee whose compensation consists wholly or partially of gratuities;~~
- 25 ~~(6)~~(3) Any employee who is a high school or college student;
- 26 ~~(7)~~(4) Any individual who is employed as a newspaper carrier; or
- 27 ~~(8)~~(5) Any individual who is employed by a nonprofit child-caring institution or
 28 long-term care facility serving children or mentally disabled adults who are enrolled in
 29 such institution and reside in residential facilities of the institution, if such employee
 30 resides in such facilities, receives without cost board and lodging from such institution,
 31 and is compensated on a cash basis at an annual rate of not less than ~~\$10,000.00~~
 32 \$15,000.00.

33 ~~(c) This chapter shall not apply to any employer who is subject to the minimum wage~~
 34 ~~provisions of any act of Congress as to employees covered thereby if such act of Congress~~
 35 ~~provides for a minimum wage which is greater than the minimum wage which is provided~~
 36 ~~for in this Code section."~~

37 **SECTION 2.**

38 This Act shall become effective on January 1, 2026.

39 **SECTION 3.**

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