

SB 203 - AS INTRODUCED

2022 SESSION

22-2914

04/10

SENATE BILL **203**

AN ACT relative to the state minimum hourly rate.

SPONSORS: Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Sen. D'Allesandro, Dist 20; Sen. Kahn, Dist 10; Rep. Schultz, Merr. 18; Rep. Soucy, Merr. 16; Rep. Sullivan, Sull. 1

COMMITTEE: Commerce

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ANALYSIS

This bill provides for increases in the minimum hourly rate.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the state minimum hourly rate.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:  
2 279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or  
3 corporation shall employ any employee at an hourly rate lower than that set forth in the federal  
4 minimum wage law, as amended, **or the following, whichever is higher:**

5 ***From September 1, 2022 to June 30, 2023, \$10 per hour.***

6 ***From July 1, 2023 to June 30, 2024, \$12 per hour.***

7 ***From July 1, 2024 and thereafter, \$15 per hour.***

8 Tipped employees of a restaurant, ***cigar bar as defined in RSA 178:20-a, II***, hotel, motel, inn or  
9 cabin, or ballroom who customarily and regularly receive more than \$30 a month in tips directly  
10 from the customers will receive a base rate from the employer of not less than 45 percent of the  
11 applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the  
12 actual amount of wages received at the end of each pay period did not equal ~~[the minimum wage]~~  
13 ***\$12 per hour*** for all hours worked, the employer shall pay the employee the difference to guarantee  
14 the ~~[applicable minimum wage]~~ ***\$12 per hour rate. Tipped employees who are licensed as***  
15 ***secondary game operators pursuant to RSA 287-D and who customarily and regularly***  
16 ***receive more than \$30 a month in tips directly from the customers, will receive a base rate***  
17 ***from the employer of not less than \$7.25 per hour. If such an employee shows to the***  
18 ***satisfaction of the commissioner that the actual amount of wages received at the end of***  
19 ***each pay period did not equal \$12 per hour for all hours worked, the employer shall pay the***  
20 ***employee the difference to guarantee the \$12 hourly rate.*** The limitations imposed hereby shall  
21 be subject to the following exceptions:

22 2 Minimum Hourly Rate; Contingent Version. The introductory paragraph of RSA 279:21 is  
23 repealed and reenacted to read as follows:

24 279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or  
25 corporation shall employ any employee at an hourly rate lower than that set forth in the federal  
26 minimum wage law, as amended, or the following, whichever is higher:

27 From September 1, 2022 to June 30, 2023, \$10 per hour.

28 From July 1, 2023 to June 30, 2024, \$12 per hour.

29 From July 1, 2024 and thereafter, \$15 per hour.

30 Tipped employees of a restaurant, cigar bar as defined in RSA 178:20-a, II, hotel, motel, inn or cabin,  
31 or ballroom who customarily and regularly receive more than \$30 a month in tips directly from the

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1 customers will receive a base rate from the employer of not less than 45 percent of the applicable  
2 minimum wage. If an employee shows to the satisfaction of the commissioner that the actual  
3 amount of wages received at the end of each pay period did not equal \$15 per hour for all hours  
4 worked, the employer shall pay the employee the difference to guarantee the \$15 per hour rate.  
5 Tipped employees who are licensed as secondary game operators pursuant to RSA 287-D and who  
6 customarily and regularly receive more than \$30 a month in tips directly from the customers, will  
7 receive a base rate from the employer of not less than \$7.25 per hour. If such an employee shows to  
8 the satisfaction of the commissioner that the actual amount of wages received at the end of each pay  
9 period did not equal \$15 per hour for all hours worked, the employer shall pay the employee the  
10 difference to guarantee the \$15 hourly rate. The limitations imposed hereby shall be subject to the  
11 following exceptions:

12 3 Contingency. Section 2 of this act shall take effect on the date the federal minimum wage is  
13 increased to \$15 per hour, or the minimum wage in the state of New Hampshire is increased to \$15  
14 per hour, whichever occurs earlier.

15 4 Effective Date.

16 I. Section 2 of this act shall take effect as provided in section 3 of this act.

17 II. The remainder of this act shall take effect on September 1, 2022.