

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

554L0450

SENATE BILL NO. 173

Introduced by: Senators Koetzle and Kooistra and Representatives Haley and Cutler

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the minimum wage
2 for tipped employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 60-11-3.1 be repealed.

5 ~~—60-11-3.1. Any employer of a tipped employee shall pay a cash wage of not less than two~~
6 ~~dollars and thirteen cents an hour if the employer claims a tip credit against the employer's~~
7 ~~minimum wage obligation. If an employee's tips combined with the employer's cash wage of not~~
8 ~~less than two dollars and thirteen cents an hour do not equal the minimum hourly wage, the~~
9 ~~employer shall make up the difference as additional wages for each regular pay period of the~~
10 ~~employer.~~

11 ~~—A "tipped employee" is one engaged in an occupation in which the employee customarily~~
12 ~~and regularly receives more than thirty-five dollars a month in tips or other considerations.~~

13 ~~—This section does not apply to babysitters or outside salesmen.~~

