

SENATE . . . . . No. 1686

---

---

The Commonwealth of Massachusetts

---

SENATE, May 8, 1973.

The committee on Commerce and Labor, to whom was referred the petition (accompanied by bill, House, No. 5415) of Timothy A. Bassett for legislation to prevent the misleading of patrons of certain establishments as to the beneficiaries of gratuities given to certain employees, reports the accompanying bill (Senate, No. 1686).

For the committee,

ALLAN R. McKINNON.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PREVENTING THE MISLEADING OF PATRONS OF CERTAIN PLACES AS TO THE BENEFICIARIES OF TIPS GIVEN TO HAT-CHECK AND CIGARETTE GIRLS AND THE LIKE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 149 of the General Laws is hereby amended by  
2 striking out section 159A, as most recently amended by  
3 chapter 342 of the acts of 1937, and inserting in place thereof  
4 the following section: —

5 *Section 159A:* No license under chapter one hundred and  
6 thirty-eight or chapter one hundred and forty or under any  
7 special licensing law, and no holder of a concession on the  
8 licensed premises, and no owner or operator of any restaurant,  
9 hotel or motel nor any holder of a concession on such  
10 premises, shall require any person employed in or upon such  
11 premises, or in or upon such part of such premises as is under  
12 his control, as the case may be, to check or care for articles  
13 of clothing or baggage or to sell cigarettes, cigars, tobacco  
14 or other articles of merchandise, to pay over or account for  
15 the whole or any portion of the tips or gratuities which are  
16 received by the person so employed, unless there is displayed  
17 in a conspicuous place, where such service is rendered, in  
18 plain view of all persons, a sign upon which shall be stated  
19 the percentage of the tips or gratuities given to persons so  
20 employed which such persons are permitted to retain, or, if  
21 no percentage is permitted to be so retained, that such per-  
22 sons are not permitted to retain any percentage of such tips  
23 or gratuities.

24 The department may make, amend, and annul rules and  
25 regulations necessary to carry out the purpose of this section,  
26 and shall be responsible for its enforcement.

27 Whoever violates the provisions of this section shall be  
28 punished by a fine of not more than two hundred dollars.