

1 HOUSE BILL 22
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**
3 INTRODUCED BY
4 Art De La Cruz and Joshua N. Hernandez
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10 AN ACT

11 RELATING TO EMPLOYMENT; AMENDING THE MINIMUM WAGE ACT TO
12 PROHIBIT EMPLOYERS FROM DEDUCTING CREDIT CARD FEES OR COSTS
13 FROM EMPLOYEE TIPS; DECLARING AN EMERGENCY.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,
17 Chapter 200, Section 3, as amended) is amended to read:

18 "50-4-22. MINIMUM WAGES.--

19 A. Except as provided in Subsection C of this
20 section, an employer shall pay to an employee a minimum wage
21 rate of:

22 (1) prior to January 1, 2020, at least seven
23 dollars fifty cents (\$7.50) an hour;

24 (2) beginning January 1, 2020 and prior to
25 January 1, 2021, at least nine dollars (\$9.00) an hour;

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1 (3) beginning January 1, 2021 and prior to
2 January 1, 2022, at least ten dollars fifty cents (\$10.50) an
3 hour;

4 (4) beginning January 1, 2022 and prior to
5 January 1, 2023, at least eleven dollars fifty cents (\$11.50)
6 an hour; and

7 (5) on and after January 1, 2023, at least
8 twelve dollars (\$12.00) an hour.

9 B. An employer furnishing food, utilities, supplies
10 or housing to an employee who is engaged in agriculture may
11 deduct the reasonable value of such furnished items from any
12 wages due to the employee.

13 C. An employee who customarily and regularly
14 receives more than thirty dollars (\$30.00) a month in tips
15 shall be paid a minimum hourly wage as follows:

16 (1) prior to January 1, 2020, at least two
17 dollars thirteen cents (\$2.13) an hour;

18 (2) beginning January 1, 2020 and prior to
19 January 1, 2021, at least two dollars thirty-five cents (\$2.35)
20 an hour;

21 (3) beginning January 1, 2021 and prior to
22 January 1, 2022, at least two dollars fifty-five cents (\$2.55)
23 an hour;

24 (4) beginning January 1, 2022 and prior to
25 January 1, 2023, at least two dollars eighty cents (\$2.80) an

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1 hour; and

2 (5) on and after January 1, 2023, at least
3 three dollars (\$3.00) an hour. [~~and~~

4 ~~(6) the~~] D. An employer may consider tips as part
5 of wages, but the tips combined with the employer's cash wage
6 shall not equal less than the minimum wage rate as provided in
7 Subsection A of this section. All tips received by such
8 employees shall be retained by the employee, except that
9 nothing in this section shall prohibit the pooling of tips
10 among wait staff.

11 E. An employer that allows patrons to pay tips by
12 credit card shall pay the employee the full amount of the
13 gratuity that the patron indicates on the credit card slip with
14 no deductions for credit card processing fees or other costs
15 that may be charged to the employer by a credit card company.

16 ~~[D.]~~ F. An employee shall not be required to work
17 more than forty hours in any week of seven days, unless the
18 employee is paid one and one-half times the employee's regular
19 hourly rate of pay for all hours worked in excess of forty
20 hours. For an employee who is paid a fixed salary for
21 fluctuating hours and who is employed by an employer a majority
22 of whose business in New Mexico consists of providing
23 investigative services to the federal government, the hourly
24 rate may be calculated in accordance with the provisions of the
25 federal Fair Labor Standards Act of 1938 and the regulations

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1 pursuant to that act; provided that in no case shall the hourly
2 rate be less than the federal minimum wage."

3 SECTION 2. DECLARING AN EMERGENCY.--It is necessary for
4 the public peace, health and safety that this act take effect
5 immediately.