

SENATE BILL 893

C2, K3

EMERGENCY BILL
ENROLLED BILL

(6lr2932)

— Finance/Economic Matters —

Introduced by **Senator Gile**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Rounding Cash Transactions – Authorization**

3 FOR the purpose of authorizing a merchant to round the portion of the price of a certain
4 ~~cash transactions~~ transaction for which a customer pays using cash in a certain
5 manner or round the amount of change due to a customer in a certain manner;
6 ~~authorizing an employer to round a wage that the employer pays using cash in a~~
7 ~~certain manner~~; providing that certain provisions of this Act shall preempt existing
8 regulations, rules, and ordinances that conflict with certain provisions of this Act;
9 altering the definition of “taxable price” for the purposes of certain provisions of law
10 governing the State sales and use tax to clarify the exclusion from the tax of a certain
11 amount collected due to rounding the price for a good or service in accordance with
12 certain provisions of this Act; and generally relating to rounding cash transactions.

13 BY adding to

14 Article – Business Regulation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 1-601 through ~~1-607~~ 1-606 to be under the new subtitle "Subtitle 6.
 2 Rounding Cash Transactions in a Trade or Business"
 3 Annotated Code of Maryland
 4 (2024 Replacement Volume and 2025 Supplement)

5 ~~BY repealing and reenacting, without amendments,~~
 6 ~~Article – Labor and Employment~~
 7 ~~Section 3-502(a)~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2025 Replacement Volume)~~

10 ~~BY adding to~~
 11 ~~Article – Labor and Employment~~
 12 ~~Section 3-502(g)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2025 Replacement Volume)~~

15 BY repealing and reenacting, without amendments,
 16 Article – Tax – General
 17 Section 11-101(a) and (l)(1)
 18 Annotated Code of Maryland
 19 (2022 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Tax – General
 22 Section 11-101(l)(3)
 23 Annotated Code of Maryland
 24 (2022 Replacement Volume and 2025 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 26 That the Laws of Maryland read as follows:

27 **Article – Business Regulation**

28 **SUBTITLE 6. ROUNDING CASH TRANSACTIONS IN A TRADE OR BUSINESS.**

29 **1-601.**

30 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 31 INDICATED.

32 (B) (1) "CASH" MEANS UNITED STATES COINS AND CURRENCY.

33 (2) "CASH" DOES NOT INCLUDE:

1 (I) A PAPER INSTRUMENT OTHER THAN A FEDERAL RESERVE
2 NOTE; OR

3 (II) A GIFT CARD.

4 (C) "CUSTOMER" MEANS A PURCHASER OF A GOOD OR SERVICE FROM A
5 MERCHANT.

6 (D) "MERCHANT" MEANS A PERSON ENGAGED IN THE TRADE OR BUSINESS
7 OF THE SALE OF GOODS OR SERVICES.

8 (E) "~~TOTAL PRICE~~ PRICE" MEANS THE ~~PRICE~~ AMOUNT DUE AND PAYABLE
9 BY A CUSTOMER IS RESPONSIBLE FOR PAYING FOR A GOOD OR SERVICE AFTER A
10 MERCHANT:

11 (1) SUBTRACTS ANY DISCOUNT OR DEDUCTION; AND

12 (2) APPLIES ANY APPLICABLE TAX OR FEE; ~~AND~~

13 ~~(3) ROUNDS THE TRANSACTION CONSISTENT WITH THIS SUBTITLE.~~

14 1-602.

15 THIS SUBTITLE:

16 (1) DOES NOT APPLY TO A ~~CASH~~ TRANSACTION FOR A GOOD OR
17 SERVICE ~~IN EXCHANGE FOR~~ PAID WITH EXACT CHANGE; AND

18 (2) MAY NOT BE CONSTRUED TO AUTHORIZE A MERCHANT TO ROUND
19 A PRICE FOR A GOOD OR SERVICE IN A MANNER THAT ALTERS THE CALCULATION OF
20 ANY TAX OR FEE APPLICABLE TO THE TRANSACTION.

21 1-603.

22 (A) THIS SECTION APPLIES TO:

23 ~~(1) THE PORTION OF THE PRICE OF AN IN-PERSON, CASH~~
24 ~~TRANSACTION IF THE PRICE TOTALS AT LEAST 5 CENTS; OR~~

25 ~~(2) OR~~ A TELEPHONE, MAIL, OR INTERNET TRANSACTION FOR
26 WHICH A CUSTOMER PAYS USING CASH IF THE PRICE TOTALS AT LEAST 5 CENTS.

1 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MERCHANT
2 DOING BUSINESS IN THE STATE MAY:

3 (1) ~~DETERMINE THE TOTAL PRICE OF~~ ROUND THE PRICE FOR A GOOD
4 OR SERVICE, AFTER SUBTRACTING ANY DISCOUNT OR DEDUCTION FROM THE PRICE
5 AND APPLYING ANY APPLICABLE TAX OR FEE TO THE PRICE, IN THE FOLLOWING
6 MANNER:

7 (I) IF THE PRICE ENDS IN 1 CENT, 2 CENTS, 6 CENTS, OR 7
8 CENTS, BY ROUNDING THE PRICE DOWN TO THE NEAREST CENT DIVISIBLE BY FIVE;
9 OR

10 (II) IF THE PRICE ENDS IN 3 CENTS, 4 CENTS, 8 CENTS, OR 9
11 CENTS, BY ROUNDING THE PRICE UP TO THE NEAREST CENT DIVISIBLE BY FIVE; OR

12 (2) ROUND THE AMOUNT OF CHANGE DUE TO A CUSTOMER UP OR
13 DOWN CONSISTENT WITH ITEM (1) OF THIS SUBSECTION.

14 1-604.

15 (A) THIS SECTION APPLIES TO:

16 ~~(1) THE PORTION OF THE PRICE OF AN IN-PERSON, CASH~~
17 ~~TRANSACTION IF THE PRICE TOTALS LESS THAN 5 CENTS; OR~~

18 ~~(2) OR~~ A TELEPHONE, MAIL, OR INTERNET TRANSACTION FOR
19 WHICH A ~~PERSON~~ CUSTOMER PAYS USING CASH IF THE PRICE TOTALS LESS THAN 5
20 CENTS.

21 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MERCHANT
22 DOING BUSINESS IN THE STATE MAY ~~DETERMINE THE TOTAL PRICE OF~~ ROUND THE
23 PRICE FOR A GOOD OR SERVICE, AFTER SUBTRACTING ANY DISCOUNT OR
24 DEDUCTION FROM THE PRICE AND APPLYING ANY APPLICABLE TAX OR FEE TO THE
25 PRICE, BY ROUNDING THE PRICE UP TO 5 CENTS.

26 ~~1-605.~~

27 ~~AN EMPLOYER, AS DEFINED IN § 3-501 OF THE LABOR AND EMPLOYMENT~~
28 ~~ARTICLE, MAY ROUND A WAGE, AS DEFINED IN § 3-501 OF THE LABOR AND~~
29 ~~EMPLOYMENT ARTICLE, THAT THE EMPLOYER PAYS USING CASH CONSISTENT WITH~~
30 ~~THIS SUBTITLE.~~

31 ~~1-606.~~ 1-605.

1 THIS SUBTITLE SUPERSEDES ANY REGULATION, RULE, OR ORDINANCE THAT
2 CONFLICTS WITH THIS SUBTITLE.

3 ~~1-607.~~ 1-606.

4 THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
5 OF THIS SUBTITLE.

6 ~~Article – Labor and Employment~~

7 ~~3-502.~~

8 ~~(a) (1) Each employer:~~

9 ~~(i) shall set regular pay periods; and~~

10 ~~(ii) except as provided in paragraph (2) of this subsection, shall pay~~
11 ~~each employee at least once in every 2 weeks or twice in each month.~~

12 ~~(2) An employer may pay an administrative, executive, or professional~~
13 ~~employee less frequently than required under paragraph (1)(ii) of this subsection.~~

14 ~~(G) AN EMPLOYER MAY ROUND A WAGE THAT THE EMPLOYER PAYS USING~~
15 ~~CASH, AS DEFINED IN § 1-601 OF THE BUSINESS REGULATION ARTICLE,~~
16 ~~CONSISTENT WITH TITLE 1, SUBTITLE 6 OF THE BUSINESS REGULATION ARTICLE.~~

17 Article – Tax – General

18 11-101.

19 (a) In this title the following words have the meanings indicated.

20 (l) (1) “Taxable price” means the value, in money, of the consideration of any
21 kind that is paid, delivered, payable, or deliverable by a buyer to a vendor in the
22 consummation and complete performance of a sale without deduction for any expense or cost,
23 including the cost of:

24 (i) any labor or service rendered;

25 (ii) any material used; or

26 (iii) any property, digital code, or digital product sold.

27 (3) “Taxable price” does not include:

1 (i) a charge that is made in connection with a sale and is stated as a
2 separate item of the consideration for:

3 1. a delivery, freight, or other transportation service for
4 delivery directly to the buyer by the vendor or by another person acting for the vendor, unless
5 the transportation service is a taxable service;

6 2. a finance charge, interest, or similar charge for credit
7 extended to the buyer;

8 3. a labor or service for application or installation;

9 4. a mandatory gratuity or service charge in the nature of a
10 tip for serving food or beverage to a group of 10 or fewer individuals for consumption on the
11 premises of the vendor;

12 5. a professional service;

13 6. a tax:

14 A. imposed by a county on the sale of coal, electricity, oil,
15 nuclear fuel assemblies, steam, or artificial or natural gas;

16 B. imposed under § 3-302(a) of the Natural Resources Article,
17 as a surcharge on electricity, and added to an electric bill;

18 C. imposed under §§ 6-201 through 6-203 of the Tax –
19 Property Article, on tangible personal property subject to a lease that is for an initial period
20 that exceeds 1 year and is noncancellable except for cause; or

21 D. imposed under § 4-102 of this article on the gross receipts
22 derived from an admissions and amusement charge;

23 7. any service for the operation of equipment used for the
24 production of audio, video, or film recordings; or

25 8. reimbursement of incidental expenses paid to a third party
26 and incurred in connection with providing a taxable detective service;

27 (ii) the value of a used component or part (core value) received from a
28 purchaser of the following remanufactured truck parts:

29 1. an air brake system;

30 2. an engine;

31 3. a rear axle carrier; or

1 4. a transmission;

2 (iii) a charge for a nontaxable service that is made in connection with
3 a sale of a taxable communication service, even if the nontaxable charges are aggregated
4 with and not separately stated from the taxable charges for communications services, if the
5 vendor can reasonably identify charges not subject to tax from its books and records that are
6 kept in the regular course of business; [or]

7 (iv) a transportation network company impact fee imposed under §
8 10-408 of the Public Utilities Article; OR

9 (v) AN AMOUNT NOT EXCEEDING 2 CENTS COLLECTED DUE TO
10 ROUNDING THE PRICE FOR A GOOD OR SERVICE IN ACCORDANCE WITH TITLE 1,
11 SUBTITLE 6 OF THE BUSINESS REGULATION ARTICLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
13 measure, is necessary for the immediate preservation of the public health or safety, has
14 been passed by a ye and nay vote supported by three-fifths of all the members elected to
15 each of the two Houses of the General Assembly, and shall take effect from the date it is
16 enacted.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.