

A-Engrossed House Bill 4178

Ordered by the House February 25
Including House Amendments dated February 25

Sponsored by COMMITTEE ON RULES (at the request of Northwest Grocery Retail Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows places of public accommodation and public bodies to round some transactions to the nearest five cents. Says it is an emergency. (Flesch Readability Score: 60.7).

[Digest: The Act allows places of public accommodation to round some transactions to the nearest five cents. Says it is an emergency. (Flesch Readability Score: 63.2).]

Allows [a] **some** [place] **places** of public accommodation offering goods or services to adopt a rounding policy under which the final digit of the total amount due or remaining amount due in certain in-person transactions will be rounded to the nearest five-cent increment. **Specifies rounding procedures.** Provides an exception for a buyer who pays in exact change. Requires a place of public accommodation to post signs giving notice of the rounding policy. *[Declares that rounding done in accordance with the Act is not an unlawful distinction, discrimination or restriction against United States coins or currency under ORS chapter 659A or price misrepresentation under ORS 618.236.]* Exempts from liability as an unlawful trade or business practice any rounding done in accordance with the Act.

Allows a public body to establish a reasonable rounding policy under which the final digit of the total amount due or remaining amount due in certain in-person transactions with the public body may be rounded to the nearest five-cent increment. Requires a public body to post signs giving notice of the rounding policy and publicize the rounding policy.

Declares that rounding done in accordance with the Act by a place of public accommodation or a public body is not an unlawful distinction, discrimination or restriction against United States coins or currency under ORS chapter 659A or price misrepresentation under ORS 618.236.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to rounding procedures in transactions; creating new provisions; amending ORS 659A.410;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section:**

6 (a) **“Cash transaction” means a purchase of goods or services by a buyer from a seller**
7 **for which the buyer pays the total amount due in cash.**

8 (b) **“Internet-based transaction” has the meaning given that term in ORS 659A.410.**

9 (c) **“Mixed-tender transaction” means a purchase of goods or services by a buyer from**
10 **a seller for which the buyer pays the total amount due with a combination of cash and one**
11 **or more non-cash payment instruments.**

12 (d)(A) **“Non-cash payment instrument” means any demand or negotiable instrument,**
13 **electronic fund transfer, money order, credit card, debit card, electronic payment or other**
14 **like instrument.**

15 (B) **“Non-cash payment instrument” does not mean United States coin or United States**
16 **currency.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) "Place of public accommodation" has the meaning given that term in ORS 659A.400,
2 except that "place of public accommodation" does not mean:

3 (A) Any place that is open to the public and owned or maintained by a public body; or

4 (B) Any service to the public that is provided by a public body.

5 (f) "Public body" has the meaning given that term in ORS 174.109.

6 (g) "Remaining amount due" means the combined sales price for the purchase of goods
7 or services, after any discounts or adjustments are made by the seller, and less any amount
8 already paid by the buyer to the seller for the purchase.

9 (h) "Total amount due" means the combined sales price for the purchase of goods or
10 services, after any discounts or adjustments are made by the seller.

11 (2) A place of public accommodation offering goods or services may adopt a rounding
12 policy for in-person cash transactions or mixed-tender transactions in accordance with the
13 provisions of this section. If a rounding policy is adopted under this section, the policy must
14 be applied consistently to all in-person cash transactions and mixed-tender transactions and
15 rounding shall be as follows:

16 (a) For cash transactions:

17 (A) If the final digit of the total amount due ends in one cent, two cents, six cents or
18 seven cents, the final digit shall be rounded down to the nearest amount divisible by five
19 cents;

20 (B) If the final digit of the total amount due ends in three cents, four cents, eight cents
21 or nine cents, the final digit shall be rounded up to the nearest amount divisible by five
22 cents; or

23 (C) If the final digit of the total amount due ends in zero cents or five cents, the final
24 digit may not be rounded up or down.

25 (b) For mixed-tender transactions:

26 (A) If the buyer first pays a portion of the total amount due in cash and then pays the
27 remaining amount due with a non-cash payment instrument, rounding may not be applied
28 to any portion of the transaction.

29 (B) If the buyer first pays a portion of the total amount due with a non-cash payment
30 instrument and then pays the remaining amount due in cash, any rounding of the final digit
31 of the remaining amount due shall be in accordance with paragraph (a)(A) to (C) of this
32 subsection.

33 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a buyer in an in-person
34 cash transaction or mixed-tender transaction may pay the total amount due or remaining
35 amount due in exact change and rounding may not be applied to the transaction.

36 (3) A place of public accommodation offering goods or services that adopts a rounding
37 policy under this section shall post signs in sufficient number to give notice to members of
38 the public entering onto or leaving the business premises of the rounding policy, including
39 the specific rounding procedures described in subsection (2) of this section.

40 (4) Rounding done in accordance with the provisions of this section does not constitute
41 a violation of ORS 618.236.

42 (5) A place of public accommodation offering goods or services that engages in rounding
43 under this section may not be held liable for the rounding under any provision of ORS 646.605
44 to 646.652 if the rounding is done in accordance with the provisions of this section.

45 (6) This section does not apply to:

1 (a) Retail transactions that occur entirely over the telephone or by mail; or

2 (b) Internet-based transactions.

3 **SECTION 2.** (1) As used in this section:

4 (a) "Cash transaction" means:

5 (A) A transaction in which, in exchange for commodities received from or services ren-
6 dered by a public body, a person pays the total amount due in cash.

7 (B) A transaction involving the payment of a debt, fee or tax owed by a person to a public
8 body for which the person pays the total amount due in cash.

9 (b) "Internet-based transaction" has the meaning given that term in ORS 659A.410.

10 (c) "Mixed-tender transaction" means:

11 (A) A transaction in which, in exchange for commodities received from or services ren-
12 dered by a public body, a person pays the total amount due with a combination of cash and
13 one or more non-cash payment instruments.

14 (B) A transaction involving the payment of a debt, fee or tax owed by a person to a public
15 body for which the person pays the total amount due with a combination of cash and one or
16 more non-cash payment instruments.

17 (d)(A) "Non-cash payment instrument" means any demand or negotiable instrument,
18 electronic fund transfer, money order, credit card, debit card, electronic payment or other
19 like instrument.

20 (B) "Non-cash payment instrument" does not mean United States coin or United States
21 currency.

22 (e) "Public body" has the meaning given that term in ORS 174.109.

23 (2) A public body may establish a reasonable rounding policy for in-person cash trans-
24 actions or mixed-tender transactions conducted by the public body, under which the final
25 digit of the total amount due or remaining amount due in an in-person cash transaction or
26 mixed-tender transaction may be rounded to the nearest amount divisible by five cents. A
27 rounding policy established by a public body under this section must be in accordance with
28 the provisions of this section.

29 (3) A public body that establishes a rounding policy under this section shall:

30 (a) Apply the rounding policy consistently to all in-person cash transactions and mixed-
31 tender transactions.

32 (b) Post signs in sufficient number to give notice of the rounding policy, including specific
33 rounding procedures, to persons entering onto or leaving locations where persons may con-
34 duct in-person cash transactions or mixed-tender transactions with the public body.

35 (c) Publicize the rounding policy and any changes to the rounding policy.

36 (4) Rounding done in accordance with the provisions of this section does not constitute
37 a violation of ORS 618.236.

38 (5) This section does not apply to:

39 (a) Retail transactions that occur entirely over the telephone or by mail; or

40 (b) Internet-based transactions.

41 **SECTION 3.** ORS 659A.410 is amended to read:

42 659A.410. (1) Except as provided in subsections (2) and (4) of this section, it is an unlawful
43 practice under ORS chapter 659A for a place of public accommodation offering goods or services,
44 or any person acting on behalf of such place, to:

45 (a) Refuse to accept from a customer or patron, as payment for goods and services, any of the

1 following:

2 (A) United States coins.

3 (B) United States currency, including federal reserve bank notes and circulating notes of federal
4 reserve banks and national banks.

5 (b) Make any distinction, discrimination or restriction because a customer or patron offers any
6 of the following as payment for goods and services:

7 (A) United States coins.

8 (B) United States currency, including federal reserve bank notes and circulating notes of federal
9 reserve banks and national banks.

10 (2) Notwithstanding subsection (1) of this section, a place of public accommodation, or any per-
11 son acting on behalf of such place, may refuse to accept as payment for goods and services:

12 (a) United States coins, in any combination, in an amount equal to or greater than \$100; or

13 (b) United States currency in denominations of \$50 or \$100.

14 (3) This section does not apply to:

15 (a) Farmers' markets or roadside stands;

16 (b) Transactions occurring on aircraft;

17 (c) Transactions for goods or services involving a place or service offering goods, services,
18 transient lodging or transportation, when the transaction or a portion of the transaction requires
19 a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;

20 (d) Any establishment that is owned by or operated under the control of the United States
21 Government or an agency of the United States;

22 (e) Retail transactions that occur entirely over the telephone or by mail;

23 (f) Internet-based transactions;

24 (g) The purchase of diesel fuel or Class 1 flammable liquids at a filling station, service station,
25 garage or other dispensary where diesel fuel or Class 1 flammable liquids are dispensed and sold
26 at retail, during the hours in which the filling station, service station, garage or dispensary is un-
27 attended by an owner, operator or other employee to dispense the fuel or liquids or is attended by
28 only one owner, operator or other employee to dispense the fuel or liquids;

29 (h) Electric vehicle charging stations;

30 (i) Transactions that occur in a micro market, including purchases from a vending machine;

31 (j) Purchases from a vending machine, unless the vending machine is located within a concen-
32 tration or cluster of more than eight vending machines that do not accept coins or currency as
33 payment for purchases;

34 (k) Activities for which a license or certificate is required to transact insurance;

35 (L) A place of public accommodation that provides hospital or medical services and that bills
36 or invoices a person after such services are rendered, provided that the place of public accommo-
37 dation accepts coins and currency as payment for the bill or invoice by mail or at a designated lo-
38 cation other than the location where the services are rendered;

39 (m) Any regional office of the Department of Revenue;

40 (n) A place of public accommodation that is a branch or office of a bank holding company, fi-
41 nancial holding company, financial institution or trust company or an affiliate of a bank holding
42 company, financial holding company, financial institution or trust company;

43 (o) Transactions for which a license is required under ORS 59.165;

44 (p) Transactions for which a license is required under ORS 86A.095 to 86A.198, 86A.200 to
45 86A.239 or 86A.303 to 86A.339;

- 1 (q) Escrow transactions for which a license is required under ORS 696.511;
- 2 (r) A licensee under ORS chapter 725;
- 3 (s) A membership-only retail establishment where goods and services are sold to members who
4 pay a recurring membership fee;
- 5 (t) On-street and off-street parking pay stations that accept either coins or currency as one
6 method of payment; or
- 7 (u) On-street and off-street parking pay stations that do not accept coins or currency, provided
8 that access to another pay station that accepts coins or currency as payment for the parking is
9 made readily available to patrons.
- 10 (4) It is not a violation of subsection (1) of this section for:
- 11 (a) A place of public accommodation, including a venue or facility used for live entertainment
12 or sporting events, to require patrons or event attendees to make purchases at different points of
13 sale within the place of public accommodation using a payment system that transfers or converts
14 cash into a cashless payment instrument, including, but not limited to, tokens, cards, wristbands or
15 other instruments that are preloaded with funds, provided that the place of public accommodation
16 does not charge a transaction fee for the conversion or transfer of cash to the cashless payment
17 instrument or to refund any balance that remains on the cashless payment instrument back to the
18 patron or event attendee[.];
- 19 **(b) A place of public accommodation, as defined in section 1 of this 2026 Act, to engage**
20 **in rounding in accordance with section 1 of this 2026 Act; or**
- 21 **(c) A public body, as defined in ORS 174.109, to engage in rounding in accordance with**
22 **section 2 of this 2026 Act.**
- 23 (5) Nothing in this section may be construed to prohibit, restrict or otherwise interfere with the
24 ability of a place of public accommodation to:
- 25 (a) Accept, in addition to the forms of payment described under subsection (1) of this section,
26 as payment for goods or services any other form of payment, provided that such payment is not
27 prohibited under federal or state law;
- 28 (b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a third
29 party to receive payment for the services; or
- 30 (c) Offer a customer or patron an incentive for paying for goods or services in coin or currency.
- 31 (6) A person who alleges a violation of subsection (1) of this section may file a complaint with
32 the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.
- 33 (7) The Bureau of Labor and Industries shall conduct an ongoing advertising and education ef-
34 fort to publicize and explain the obligations set forth in subsection (1) of this section to places of
35 public accommodation, to persons acting on behalf of places of public accommodation and to the
36 public. The bureau's effort shall use such methods and media as the bureau determines will in a
37 cost-effective manner reach the largest number of places of public accommodation and residents of
38 this state. The bureau shall continue the effort described in this subsection until the bureau deter-
39 mines that a high level of compliance exists among places of public accommodation and persons
40 acting on behalf of places of public accommodation.
- 41 (8) As used in this section:
- 42 (a) "Affiliate" means any company that controls, is controlled by or is under common control
43 of another company.
- 44 (b) "Bank holding company," "financial holding company," "financial institution" and "trust
45 company" have the meanings given those terms in ORS 706.008.

- 1 (c) “Class 1 flammable liquids” has the meaning given that term in ORS 480.310.
2 (d) “Consumer goods” has the meaning given that term in ORS 79A.1020.
3 (e) “Escrow” has the meaning given that term in ORS 696.505.
4 (f)(A) “Internet-based transaction” means a transaction that occurs over the Internet and that
5 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-
6 livered to, shipped to or consumed by a customer or patron.
7 (B) “Internet-based transaction” does not mean an in-person transaction.
8 (g) “Micro market” means an unattended retail establishment to which access by the general
9 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages
10 for purchase through an automated payment processing system.
11 (h) “Place of public accommodation” has the meaning given that term in ORS 659A.400.
12 (i) “Regional office” means an office of the Department of Revenue other than a central office
13 or headquarters building located in Salem.
14 (j) “Transact insurance” has the meaning given that term in ORS 731.146.
15 (k) “Transient lodging” has the meaning given that term in ORS 699.005.
16 (L) “Vending machine” has the meaning given that term in ORS 624.310.
17 **SECTION 4. This 2026 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**
19 **on its passage.**
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