

House Bill 4178

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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 place 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. 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.

Declares an emergency, effective on passage.

1 A BILL FOR AN ACT

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.

17 **(e) "Remaining amount due"** means the combined sales price for the purchase of goods
18 or services, after any discounts or adjustments are made by the seller, and less any amount
19 already paid by the buyer to the seller for the purchase.

20 **(f) "Total amount due"** means the combined sales price for the purchase of goods or
21 services, after any discounts or adjustments are made by the seller.

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

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 **(a) For cash transactions:**

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

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

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

10 **(b) For mixed-tender transactions:**

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

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

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

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

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

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

30 **(6) This section does not apply to:**

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

32 (b) Internet-based transactions.

33 **SECTION 2.** ORS 659A.410 is amended to read:

34 659A.410. (1) Except as provided in subsections (2) and (4) of this section, it is an unlawful
35 practice under ORS chapter 659A for a place of public accommodation offering goods or services,
36 or any person acting on behalf of such place, to:

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

39 (A) United States coins.

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

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

44 (A) United States coins.

45 (B) United States currency, including federal reserve bank notes and circulating notes of federal

1 reserve banks and national banks.

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

4 (a) United States coins, in any combination, in an amount equal to or greater than \$100; or
5 (b) United States currency in denominations of \$50 or \$100.

6 (3) This section does not apply to:

7 (a) Farmers' markets or roadside stands;

8 (b) Transactions occurring on aircraft;

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

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

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

15 (f) Internet-based transactions;

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

21 (h) Electric vehicle charging stations;

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

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

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

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

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

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

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

36 (p) Transactions for which a license is required under ORS 86A.095 to 86A.198, 86A.200 to
37 86A.239 or 86A.303 to 86A.339;

38 (q) Escrow transactions for which a license is required under ORS 696.511;

39 (r) A licensee under ORS chapter 725;

40 (s) A membership-only retail establishment where goods and services are sold to members who
41 pay a recurring membership fee;

42 (t) On-street and off-street parking pay stations that accept either coins or currency as one
43 method of payment; or

44 (u) On-street and off-street parking pay stations that do not accept coins or currency, provided
45 that access to another pay station that accepts coins or currency as payment for the parking is

1 made readily available to patrons.

2 (4) It is not a violation of subsection (1) of this section for:

3 (a) A place of public accommodation, including a venue or facility used for live entertainment
4 or sporting events, to require patrons or event attendees to make purchases at different points of
5 sale within the place of public accommodation using a payment system that transfers or converts
6 cash into a cashless payment instrument, including, but not limited to, tokens, cards, wristbands or
7 other instruments that are preloaded with funds, provided that the place of public accommodation
8 does not charge a transaction fee for the conversion or transfer of cash to the cashless payment
9 instrument or to refund any balance that remains on the cashless payment instrument back to the
10 patron or event attendee[.]; or

11 (b) **A place of public accommodation to engage in rounding in accordance with section 1
12 of this 2026 Act.**

13 (5) Nothing in this section may be construed to prohibit, restrict or otherwise interfere with the
14 ability of a place of public accommodation to:

15 (a) Accept, in addition to the forms of payment described under subsection (1) of this section,
16 as payment for goods or services any other form of payment, provided that such payment is not
17 prohibited under federal or state law;

18 (b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a third
19 party to receive payment for the services; or

20 (c) Offer a customer or patron an incentive for paying for goods or services in coin or currency.

21 (6) A person who alleges a violation of subsection (1) of this section may file a complaint with
22 the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

23 (7) The Bureau of Labor and Industries shall conduct an ongoing advertising and education ef-
24 fort to publicize and explain the obligations set forth in subsection (1) of this section to places of
25 public accommodation, to persons acting on behalf of places of public accommodation and to the
26 public. The bureau's effort shall use such methods and media as the bureau determines will in a
27 cost-effective manner reach the largest number of places of public accommodation and residents of
28 this state. The bureau shall continue the effort described in this subsection until the bureau deter-
29 mines that a high level of compliance exists among places of public accommodation and persons
30 acting on behalf of places of public accommodation.

31 (8) As used in this section:

32 (a) "Affiliate" means any company that controls, is controlled by or is under common control
33 of another company.

34 (b) "Bank holding company," "financial holding company," "financial institution" and "trust
35 company" have the meanings given those terms in ORS 706.008.

36 (c) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310.

37 (d) "Consumer goods" has the meaning given that term in ORS 79A.1020.

38 (e) "Escrow" has the meaning given that term in ORS 696.505.

39 (f)(A) "Internet-based transaction" means a transaction that occurs over the Internet and that
40 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-
41 livered to, shipped to or consumed by a customer or patron.

42 (B) "Internet-based transaction" does not mean an in-person transaction.

43 (g) "Micro market" means an unattended retail establishment to which access by the general
44 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages
45 for purchase through an automated payment processing system.

1 (h) "Place of public accommodation" has the meaning given that term in ORS 659A.400.
2 (i) "Regional office" means an office of the Department of Revenue other than a central office
3 or headquarters building located in Salem.
4 (j) "Transact insurance" has the meaning given that term in ORS 731.146.
5 (k) "Transient lodging" has the meaning given that term in ORS 699.005.
6 (L) "Vending machine" has the meaning given that term in ORS 624.310.

7 **SECTION 3. This 2026 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**
9 **on its passage.**

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