

# HOUSE BILL 340

I3, I4

1lr0605

(PRE-FILED)

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By: **Delegate Pena-Melnyk**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Retail Transactions – Cash Payments**  
3 **(Cash Transactions Preservation Act)**

4 FOR the purpose of prohibiting a merchant, in certain transactions, from prohibiting a  
5 person from making a cash payment to purchase goods or services, requiring a person  
6 to purchase goods or services by using a credit or debit card, or charging or collecting  
7 from a person a fee for making a cash payment for the purchase of goods or services;  
8 making a violation of this Act an unfair, abusive, or deceptive trade practice under  
9 the Maryland Consumer Protection Act and subject to certain enforcement and  
10 penalty provisions; defining a certain term; providing for the application of this Act;  
11 and generally relating to retail cash transactions.

12 BY repealing and reenacting, with amendments,  
13 Article – Commercial Law  
14 Section 13–301(14)(xxxiv)  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Commercial Law  
19 Section 13–301(14)(xxxv)  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2020 Supplement)

22 BY adding to  
23 Article – Commercial Law  
24 Section 13–301(14)(xxxvi) and 14–1327  
25 Annotated Code of Maryland  
26 (2013 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Commercial Law**

4 13–301.

5 Unfair, abusive, or deceptive trade practices include any:

6 (14) Violation of a provision of:

7 (xxxiv) The federal Servicemembers Civil Relief Act; [or]

8 (xxxv) § 11–210 of the Education Article; or

9 (xxxvi) **SECTION 14–1327 OF THIS ARTICLE; OR**

10 **14–1327.**

11 **(A) IN THIS SECTION, “MERCHANT” HAS THE MEANING STATED IN § 13–101**  
12 **OF THIS ARTICLE.**

13 **(B) (1) THIS SECTION APPLIES ONLY TO IN–PERSON RETAIL**  
14 **TRANSACTIONS.**

15 **(2) THIS SECTION DOES NOT APPLY TO TELEPHONE, MAIL, OR**  
16 **INTERNET TRANSACTIONS.**

17 **(C) A MERCHANT MAY NOT:**

18 **(1) PROHIBIT A PERSON FROM MAKING A CASH PAYMENT TO**  
19 **PURCHASE GOODS OR SERVICES;**

20 **(2) REQUIRE A PERSON TO USE A CREDIT OR DEBIT CARD TO**  
21 **PURCHASE GOODS OR SERVICES; OR**

22 **(3) CHARGE OR COLLECT FROM A PERSON A FEE FOR MAKING A CASH**  
23 **PAYMENT FOR THE PURCHASE OF GOODS OR SERVICES.**

24 **(D) A VIOLATION OF THIS SECTION IS:**

25 **(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN**  
26 **THE MEANING OF TITLE 13 OF THIS ARTICLE; AND**

1                   **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
2 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2021.