

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 385
Economic Matters

(Delegate Lehman, *et al.*)

Finance

Consumer Protection - Automatic Tip Prompt Screen - Requirements

This bill requires, beginning July 1, 2026, that businesses that use a point-of-sale system that displays a screen prompting a customer to select an amount for a tip conspicuously display (1) on the same screen *or* on a previous screen, a notice disclosing that the tip is for employees and (2) on the same screen, a tip amount set at zero or a “no-tip” option. The required disclosure is subject to specified recordkeeping requirements. The bill does not apply to payment transactions (1) for goods or services provided to customers seated at a table or bar or (2) made by a customer for goods or services through a mobile device or online. The Maryland Department of Labor (MD Labor) and the Consumer Protection Division of the Office of the Attorney General (OAG) must make information about these requirements available on the agencies’ public websites. Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil penalty provisions, except for provisions that allow a private right of action.

Fiscal Summary

State Effect: The bill’s imposition of existing penalty provisions does not have a material impact on State finances or operations. OAG’s Consumer Protection Division can handle the bill’s requirements with existing resources. MD Labor and OAG can post the information on their websites with existing resources.

Local Effect: The bill’s imposition of existing penalty provisions does not have a material impact on local government finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: There are no requirements or restrictions in current law related to the use of tip screens on digital point-of-sale systems.

An unfair, abusive, or deceptive trade practice under MCPA includes, among other acts, any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind, which has the capacity, tendency, or effect of deceiving or misleading consumers. The prohibition against engaging in any unfair, abusive, or deceptive trade practice encompasses the offer for or actual sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services; the extension of consumer credit; the collection of consumer debt; or the offer for or actual purchase of consumer goods or consumer realty from a consumer by a merchant whose business includes paying off consumer debt in connection with the purchase of any consumer goods or consumer realty from a consumer.

The Consumer Protection Division is responsible for enforcing MCPA and investigating the complaints of aggrieved consumers. The division may attempt to conciliate the matter, issue a cease-and-desist order, or file a civil action in court. A merchant who violates MCPA is subject to a fine of up to \$10,000 for each violation and up to \$25,000 for each repetition of the same violation. In addition to any civil penalties that may be imposed, any person who violates MCPA is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 419 of 2024.

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2025
caw/jkb Third Reader - March 17, 2025
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