

AMENDMENTS TO LB837

Introduced by Banking, Commerce and Insurance.

1           1. Strike the original section and insert the following new  
2 sections:

3           **Section 1.** (1) Any person selling goods or services in a cash  
4 transaction, entering into any transaction that results in a payment or  
5 transfer of cash between the parties to the transaction, or paying cash  
6 wages to an employee as compensation:

7           (a) Except as provided in subdivision (1)(c) of this section, in any  
8 case in which the total cash transaction amount, including any taxes,  
9 fees, surcharges, assessments, and other governmental charges, or the  
10 final cash amount paid out or returned to a customer or employee ends  
11 with one, two, six, or seven as the final digit of the number of cents  
12 for the transaction, may round down such number of cents to the nearest  
13 number of cents divisible by five;

14           (b) In any case in which the total cash transaction amount,  
15 including any taxes, fees, surcharges, assessments, and other  
16 governmental charges, or the final cash amount paid out or returned to a  
17 customer or employee ends with three, four, eight, or nine as the final  
18 digit of the number of cents for the transaction, may round up such  
19 number of cents to the nearest number of cents divisible by five; and

20           (c) In any case in which the total cash transaction amount,  
21 including any taxes, fees, surcharges, assessments, and other  
22 governmental charges, or the final cash amount paid out or returned to a  
23 customer or employee totals one cent or two cents, shall round up the  
24 transaction amount to five cents.

25           (2) This section shall not apply to any transaction for which  
26 payment is made by any demand or negotiable instrument, electronic fund  
27 transfer, check, gift card, money order, credit card, or other similar

1 instrument or method, except to the extent cash is disbursed to a  
2 customer or employee.

3 (3) Any person selling goods or services shall use either (a) the  
4 method of rounding under this section that uses the total cash  
5 transaction amount, including any taxes, fees, surcharges, assessments,  
6 and other governmental charges, or (b) the method of rounding under this  
7 section that uses the final cash amount paid out or returned to a  
8 customer or employee for all transactions by such person at any single  
9 premise and shall not use both methods at such premise.

10 (4)(a) Rounding under this section shall be applied solely to the  
11 final settled cash amount paid by, paid out to, or returned to a customer  
12 or employee. Rounding under this section shall not alter:

13 (i) The sales price of any good or service;

14 (ii) The amount of any tax calculated or imposed under state or  
15 local law; and

16 (iii) Any regulatory fee, government-imposed fee, surcharge,  
17 assessment, or other charge required by law.

18 (b) The amounts described in subdivisions (4)(a)(i), (ii), and (iii)  
19 of this section shall be calculated and imposed in the exact amount  
20 otherwise required, without rounding.

21 (5) In a transaction involving both cash and noncash forms of  
22 payment, payment by noncash or electronic means shall be applied first to  
23 the amount due, with any remaining balance payable in cash.

24 (6) Any person selling goods or services shall calculate and remit  
25 all taxes, fees, and other charges, whether imposed by state or municipal  
26 taxing authorities or by such persons, based on the sales price prior to  
27 any rounding under this section.

28 (7) Any person selling goods or services shall not be in violation  
29 of any state or municipal requirements, laws, regulations, or standards  
30 based on any action taken in compliance with this section.

31 (8) Notwithstanding any other provision of law to the contrary,

1 including section 77-1737, any rounding under this section shall be  
2 considered an administrative settlement of the physical payment and shall  
3 not be construed as a release, discharge, remission, or commutation of  
4 any tax, fee, or assessment within the meaning of Article VIII, section  
5 4, of the Constitution of Nebraska. The underlying tax liability for any  
6 transaction where rounding under this section applies remains the exact  
7 amount calculated prior to such rounding, and any difference resulting  
8 from the settlement of a cash transaction shall be accounted for as an  
9 administrative adjustment for the physical impossibility of exact  
10 currency exchange.

11 **Sec. 2.** Since an emergency exists, this act takes effect when passed  
12 and approved according to law.