

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1425

By: Loring of the House

and

7 **Montgomery** of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to fees; amending 14A O.S. 2011,
12 Section 2-417, as last amended by Section 2, Chapter
13 31, O.S.L. 2017 (14A O.S. Supp. 2018, Section 2-417),
14 which relates to surcharges for use of credit or
15 debit cards; providing for certain fees for online
16 transactions; amending 28 O.S. 2011, Section 151,
17 which relates to the collection of fees, fines, costs
18 and assessments; exempting certain courts from
19 certain collection requirements; and providing an
20 effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-417, as
23 last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp.
24 2018, Section 2-417), is amended to read as follows:

1 Section 2-417. A. No seller in any sales transaction may
2 impose a surcharge on a cardholder who elects to use a credit card
3 or debit card in lieu of payment by cash, check or similar means.

4 B. As used in this section, "debit card" means any instrument
5 or device, whether known as a debit card or by any other name,
6 issued with or without fee by an issuer for the use of the
7 cardholder in depositing, obtaining or transferring funds from a
8 consumer banking electronic facility.

9 C. For purposes of this section, a private educational
10 institution as defined in paragraph (e) of Section 3102 of Title 70
11 of the Oklahoma Statutes, a private school defined as a nonpublic
12 entity conducting an educational program for at least one grade
13 between prekindergarten through twelve, a municipality as defined in
14 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
15 a public trust with a municipality as its beneficiary may charge a
16 service fee. The service fee may be applied to online or in-person
17 transactions and shall be ~~limited to~~ used to offset bank processing
18 fees, ~~and~~ financial transaction fees, the cost of providing for
19 secure transaction, portal fees, and fees necessary to compensate
20 for increased bandwidth incurred as a result of providing ~~for an~~
21 ~~online~~ the transaction.

22 SECTION 2. AMENDATORY 28 O.S. 2011, Section 151, is
23 amended to read as follows:
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1 Section 151. A. It shall be the duty of the clerks of the
2 district court and other trial courts of record of this state to
3 charge and collect the fees imposed by this title and other fees,
4 assessments and payments as imposed by the Oklahoma Statutes, fines,
5 costs and assessments imposed by the district courts or appellate
6 courts, and none others, in all cases, except those in which the
7 defendant is charged with a misdemeanor or traffic violation, and
8 except cases under the Small Claims Procedure Act, Section 1751 et
9 seq. of Title 12 of the Oklahoma Statutes. This section shall not
10 apply to municipal courts not of record in this state.

11 B. 1. As authorized by the Administrative Office of the
12 Courts, the court clerk may accept a nationally recognized credit or
13 debit card or other electronic payment method for any lawful
14 purpose, including, but not limited to, payment for any fee, fine,
15 forfeiture payment, cost, penalty assessment or other charge or
16 collection to be assessed or collected by the court clerk under the
17 laws of this state. The court clerk shall not collect a fee for the
18 acceptance of the nationally recognized credit or debit card. Prior
19 to the distribution of any fees provided for by law, the court clerk
20 shall apportion on a pro rata basis the costs associated with the
21 administration, acceptance, processing, and verification of the
22 credit card or debit card among all state, municipal or other
23 government entities or funds that are entitled by law to receive any
24 payments from the court clerk from any fee, fine, forfeiture

1 payment, cost, penalty assessment or other collection. All credit
2 and debit card costs shall be deducted from the fees, fines,
3 forfeiture payments, costs, penalty assessments or other collections
4 before transmittal is made to state, municipal or government
5 entities or funds pursuant to the provisions of any law of this
6 state that direct a court clerk to pay any amount or any portion of
7 any fee, fine, forfeiture payment, cost, penalty assessment, or
8 other collection to another state, municipal, or other government
9 entity or fund. Each state, municipal, or other government entity
10 or fund entitled to payment shall then receive only its statutory
11 share less its prorated share of the credit or debit card costs.
12 For purposes of this subsection, "nationally recognized credit card"
13 means any instrument or device, whether known as a credit card,
14 credit plate, charge plate, or by any other name, issued with or
15 without fee by an issuer for the use of the cardholder in obtaining
16 goods, services, or anything else of value. "Debit card" means an
17 identification card or device issued to a person by a business
18 organization which permits such person to obtain access to or
19 activate a consumer banking electronic facility. The Administrative
20 Office of the Courts is authorized to negotiate and organize
21 statewide contracts for the acceptance and processing of credit and
22 debit cards and equipment related thereto.

23 2. Written procedures for acceptance or rejection of credit
24 cards shall be established by the Office of the State Auditor and

1 Inspector with approval and direction to court clerks to be issued
2 by the Administrative Office of the Courts.

3 C. Payment for any fee provided for in this title may be made
4 by a personal or business check. The court clerk, at the court
5 clerk's discretion, may:

6 1. Add an amount equal to the amount of the service charge
7 incurred, not to exceed three percent (3%) of the amount of the
8 check as a service charge for the acceptance and verification of the
9 check; or

10 2. Add an amount of no more than Five Dollars (\$5.00) as a
11 service charge for the acceptance and verification of a check. For
12 purposes of this subsection, "personal or business check" shall not
13 mean a money order, cashier's check, or bank certified check.

14 D. The Supreme Court is authorized to institute a cost
15 collection program for collection of fees, fines, costs and
16 assessments provided for in this title.

17 SECTION 3. This act shall become effective November 1, 2019.

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19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
20 02/28/2019 - DO PASS, As Amended and Coauthored.

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