

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3507

By: Sneed

AS INTRODUCED

An Act relating to consumer credit; amending 14A O.S. 2021, Section 2-211, which relates to discounts inducing payment by cash, check or similar means; permitting certain charges; amending 14A O.S. 2021, Section 2-417, which relates to surcharges for use of credit or debit card; permitting certain charges; and providing an effective date.

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

SECTION 1. AMENDATORY 14A O.S. 2021, Section 2-211, is amended to read as follows:

Section 2-211. A. With respect to all sales transactions, a discount which a seller offers, allows or otherwise makes available for the purpose of inducing payment by cash, check or similar means rather than by use of an open-end credit card account shall not constitute a credit service charge as determined under Section 2-109 of this title if the discount is offered to all prospective buyers clearly and conspicuously in accordance with regulations of the Administrator of Consumer Affairs. ~~No~~ A seller in any sales transaction may pass on the processing fee or impose a surcharge on

1 a cardholder who elects an open-end credit card or debit card
2 account instead of paying by cash, check or similar means. There is
3 no limit on the discount which may be offered by the seller. A
4 seller who provides a discount otherwise than in accordance with the
5 regulations of the Administrator must make the disclosures required
6 by those regulations.

7 B. A seller who is registered with the United States Treasury
8 Department as a money transmitter pursuant to 31 CFR, Section
9 103.41, and who provides an electronic funds transmission service,
10 including service by telephone and the Internet, may charge a
11 different price for a funds transmission service based on the mode
12 of transmission used in the transaction without violating this
13 section so long as the price charged for a service paid for with an
14 open-end credit card or debit card account is not greater than the
15 price charged for such service if paid for with currency or other
16 similar means accepted within the same mode of transmission.

17 C. Any seller subject to the provisions of subsection B of this
18 section shall either conduct business at a location in this state or
19 comply with the provisions of Section 1022 of Title 18 of the
20 Oklahoma Statutes.

21 D. As used in this section, "debit card" means any instrument
22 or device, whether known as a debit card or by any other name,
23 issued with or without fee by an issuer for the use of the
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1 cardholder in depositing, obtaining or transferring funds from a
2 consumer banking electronic facility.

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

15 SECTION 2. AMENDATORY 14A O.S. 2021, Section 2-417, is
16 amended to read as follows:

17 Section 2-417. A. ~~No~~ A seller in any sales transaction may
18 pass on the processing fee or impose a surcharge on a cardholder who
19 elects to use a credit card or debit card in lieu of payment by
20 cash, check or similar means.

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

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

16 SECTION 3. This act shall become effective November 1, 2024.

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