

1 **SENATE FLOOR VERSION**

2 February 20, 2025

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 351

By: Frix of the Senate

and

Hays of the House

6
7
8 An Act relating to credit sales; amending 14A O.S.
9 2021, Sections 2-211 and 2-417, which relate to
10 discounts and surcharges for certain transactions;
11 requiring certain actions from sellers when imposing
12 a surcharge on certain transactions; modifying
13 definitions; updating statutory language; and
14 providing an effective date.

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

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

18 Section 2-211. A. With respect to all sales transactions, a
19 discount which a seller offers, allows, or otherwise makes available
20 for the purpose of inducing payment by cash, check, or similar means
21 rather than by use of an open-end credit card account or debit card
22 account shall not constitute a credit service charge as determined
23 under Section 2-109 of this title if the discount is offered to all
24 prospective buyers clearly and conspicuously in accordance with
25 regulations of the Administrator of Consumer ~~Affairs~~ Credit. ~~No~~
There shall not be a limit on the discount that may be offered by

1 the seller. Pursuant to the regulations of the Administrator, a
2 seller who provides a discount not in accordance with regulations
3 shall disclose such information to the Administrator.

4 B. A seller in any sales transaction may pass on the processing
5 fee or impose a surcharge on a cardholder who elects to pay using an
6 open-end credit card or debit card account instead of paying by
7 cash, check, or similar means. There is no limit on the discount
8 which may be offered by the seller. A seller who provides a
9 discount otherwise than in accordance with the regulations of the
10 Administrator must make the disclosures required by those
11 regulations If a seller elects to pass on the credit card or debit
12 card processing fee, or impose a surcharge for the use of an open-
13 end credit card or debit card account, the charged amount shall:

14 1. Be listed as separate line items in the cardholder's
15 receipt; and

16 2. Not exceed the total of the bank processing fees, financial
17 transaction fees, the cost of providing for secure transaction,
18 portal fees, and fees necessary to compensate for increased
19 bandwidth incurred as a result of providing the transaction.

20 ~~B.~~ C. A seller who is registered with the United States
21 Treasury Department of the Treasury as a money transmitter pursuant
22 to 31 CFR C.F.R., Section 103.41, and who provides an electronic
23 funds transmission service, including service by telephone and the
24 Internet, may charge a different price for a funds transmission

1 service based on the mode of transmission used in the transaction
2 without violating this section so long as the price charged for a
3 service paid for with an open-end credit card or debit card account
4 is not greater than the price charged for such service if paid for
5 with currency or other similar means accepted within the same mode
6 of transmission.

7 ~~E. D.~~ Any seller subject to the provisions of subsection ~~B C~~ of
8 this section shall either conduct business at a location in this
9 state or comply with the provisions of Section 1022 of Title 18 of
10 the Oklahoma Statutes.

11 ~~D. E.~~ As used in this section, "debit:

12 1. "Debit card" means any instrument or device, whether known
13 as a debit card or by any other name, issued with or without fee by
14 an issuer for the use of the cardholder in depositing, obtaining, or
15 transferring funds from a consumer banking electronic facility; and

16 2. "Surcharge" means any means of increasing the regular or
17 advertised price to a cardholder, which is not imposed upon
18 customers paying by cash, check, or similar means.

19 ~~E. For purposes of this section, a private educational~~
20 ~~institution as defined in paragraph (e) of Section 3102 of Title 70~~
21 ~~of the Oklahoma Statutes, a private school defined as a nonpublic~~
22 ~~entity conducting an educational program for at least one grade~~
23 ~~between prekindergarten through twelve, a municipality as defined in~~
24 ~~paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or~~

1 ~~a public trust with a municipality as its beneficiary may charge a~~
2 ~~service fee. The service fee shall be limited to bank processing~~
3 ~~fees and financial transaction fees, the cost of providing for~~
4 ~~secure transaction, portal fees, and fees necessary to compensate~~
5 ~~for increased bandwidth incurred as a result of providing for an~~
6 ~~online transaction.~~

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

9 Section 2-417. A. ~~No seller in any sales transaction may~~
10 ~~impose a surcharge on a cardholder who elects to use a credit card~~
11 ~~or debit card in lieu of payment by cash, check or similar means~~ A
12 seller in any sales transaction may pass on the processing fee or
13 impose a surcharge on a cardholder who elects to pay using an open-
14 end credit card or debit card account instead of paying by cash,
15 check, or similar means. If a seller elects to pass on the credit
16 card or debit card processing fee, or impose a surcharge for the use
17 of an open-end credit card or debit card account, the charged amount
18 shall:

19 1. Be listed as a separate line item on the cardholder's
20 receipt; and

21 2. Not exceed the total of the bank processing fees, financial
22 transaction fees, the cost of providing for secure transaction,
23 portal fees, and fees necessary to compensate for increased
24 bandwidth incurred as a result of providing the transaction.

1 B. As used in this section, ~~“debit:~~

2 1. “Debit card” means any instrument or device, whether known
3 as a debit card or by any other name, issued with or without fee by
4 an issuer for the use of the cardholder in depositing, obtaining, or
5 transferring funds from a consumer banking electronic facility; and

6 2. “Surcharge” means any means of increasing the regular or
7 advertised price to a cardholder, which is not imposed upon
8 customers paying by cash, check, or similar means.

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 used to offset bank processing fees,~~
18 ~~financial transaction fees, the cost of providing for secure~~
19 ~~transaction, portal fees, and fees necessary to compensate for~~
20 ~~increased bandwidth incurred as a result of providing the~~
21 ~~transaction.~~

22 SECTION 3. This act shall become effective November 1, 2025.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
24 February 20, 2025 - DO PASS AS AMENDED BY CS