

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 677

By: Kern and Bullard of the
Senate

6 and

7 Gise of the House

8
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10 COMMITTEE SUBSTITUTE

11 An Act relating to sales transactions; amending 14A
12 O.S. 2021, Section 2-211, which relates to discounts
13 inducing payment by cash, check, or similar means;
14 increasing options for discount; authorizing no limit
15 on amount of discount; requiring certain disclosure
16 for sellers offering certain discount; clarifying use
17 of surcharges; requiring certain notice for
18 surcharges; limiting amount of surcharge; updating
19 language; defining credit card; defining seller;
20 defining surcharge; repealing 14A O.S. 2021, Section
21 2-417, which relates to surcharge for use of credit
22 card or debit card; and providing an effective date.

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

24 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, service, and lease
transactions including, but not limited to, any consumer credit
sales transaction, a discount which a seller offers, allows, or

1 otherwise makes available for the purpose of inducing payment by
2 cash, check, debit card, or similar means rather than by use of ~~an~~
3 ~~open-end a credit card account~~ shall not constitute a credit service
4 charge as determined under Section 2-109 of this title if the
5 discount is offered to all prospective buyers clearly and
6 conspicuously in accordance with regulations of the Administrator of
7 Consumer Affairs Credit. There shall be no limit on the discount
8 that may be offered by the seller. Pursuant to the regulations of
9 the Administrator, a seller who provides a discount not in
10 accordance with regulations shall disclose such information to the
11 Administrator.

12 B. No seller ~~in any sales transaction~~ may impose a surcharge on
13 a cardholder who elects ~~an open-end~~ to pay using a credit card or
14 ~~debit card account~~ instead of paying by cash, check, debit card, or
15 similar means unless the seller complies with the following
16 requirements:

17 1. Notice displaying the amount of the surcharge applicable
18 shall be clearly and conspicuously posted at the point of entry and
19 the point of sale for in-person transactions and the home page and
20 the point-of-sale webpage for online transactions. Notice,
21 including all required information, shall be verbally disclosed to
22 the customer for transactions processed over the phone; and

23 2. No surcharge shall exceed two percent (2%) of the total
24 transaction or the actual amount to be charged to the person or

1 retailer to process the credit card transaction, whichever is less.
2 A customer shall not be considered to have chosen to use a credit
3 card as a method of payment under this section if, at the time of
4 the transaction, the person or retailer accepts only credit cards as
5 payment.

6 ~~There is no limit on the discount which may be offered by the~~
7 ~~seller. A seller who provides a discount otherwise than in~~
8 ~~accordance with the regulations of the Administrator must make the~~
9 ~~disclosures required by those regulations.~~

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

21 ~~C.~~ D. Any seller subject to the provisions of subsection ~~B~~ C of
22 this section shall either conduct business at a location in this
23 state or comply with the provisions of Section 1022 of Title 18 of
24 the Oklahoma Statutes.

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

2 1. "Credit card" means any instrument or device, whether known
3 as a ~~debit~~ credit card, credit plate, charge card, or by any other
4 name, issued with or without fee by an issuer for the use of the
5 cardholder in ~~depositing, obtaining or transferring funds from a~~
6 ~~consumer banking electronic facility~~ money, goods or services, or
7 anything of value on credit;

8 2. "Seller" means any person, entity, or retailer doing
9 business in this state in any sales, service, or lease transaction
10 including, but not limited to, any consumer credit sales
11 transaction; and

12 3. "Surcharge" means any additional amount imposed by a person,
13 entity, or retailer at the time of a credit card transaction that
14 increases the amount of the transaction for the use of a credit card
15 as payment.

16 ~~E.~~ F. For purposes of this section, a private educational
17 institution as defined in paragraph (e) of Section 3102 of Title 70
18 of the Oklahoma Statutes, a private school defined as a nonpublic
19 entity conducting an educational program for at least one grade
20 between prekindergarten through twelve, a municipality as defined in
21 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
22 a public trust with a municipality as its beneficiary may charge a
23 service fee. The service fee shall be limited to bank processing
24 fees and financial transaction fees, the cost of providing for

1 secure transaction, portal fees, and fees necessary to compensate
2 for increased bandwidth incurred as a result of providing ~~for an~~
3 ~~online~~ the transaction.

4 SECTION 2. REPEALER 14A O.S. 2021, Section 2-417, is
5 hereby repealed.

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

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8 60-1-13624 AO 04/24/25
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