

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1260

By: Hays

4  
5 AS INTRODUCED

6 An Act relating to consumer credit; amending 14A O.S.  
7 2021, Section 2-211, which relates to discounts  
8 inducing payment by cash, check, or similar means;  
9 permitting certain charges; requiring line item;  
10 amending 14A O.S. 2021, Section 2-417, which relates  
11 to surcharges for use of credit or debit card;  
12 permitting certain charges; requiring line item; and  
13 providing an effective date.

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

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

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

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

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

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

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

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

13 F. If a seller elects to pass on the credit card or debit card  
14 processing fee, or imposes a surcharge for the use of a credit card  
15 or debit card, the charged amount shall be listed as a separate line  
16 item on the cardholder's receipt.

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

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

23 B. As used in this section, "debit card" means any instrument  
24 or device, whether known as a debit card or by any other name,

1 issued with or without fee by an issuer for the use of the  
2 cardholder in depositing, obtaining or transferring funds from a  
3 consumer banking electronic facility.

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

17 D. If a seller elects to pass on the credit card or debit card  
18 processing fee, or imposes a surcharge for the use of a credit card  
19 or debit card, the charged amount shall be listed as a separate line  
20 item on the cardholder's receipt.

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

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