

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2653:

Reynolds

AS INTRODUCED

An Act relating to technology; amending 62 O.S. 2001, Section 41.5q, which relates to convenience fees for electronic/on-line transactions; updating statutory language; requiring convenience fees to be applied to certain costs; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 41.5q, is amended to read as follows:

Section 41.5q A. Subject to review and adoption as outlined in Section 4 41.5s of this ~~act~~ title, a state agency, board, commission, or authority is hereby authorized to charge a convenience fee for any electronic/on-line transaction. A convenience fee shall apply to electronic/on-line transactions only and shall not apply when accessing information provided through state government websites. If a state entity sets a convenience fee for electronic/on-line transactions, the fee shall be reviewed by the State Governmental Internet Applications Review Board as provided for in Section 4 41.5s of this ~~act~~ title. Each state entity shall keep a record of how the convenience fee has been determined. A state agency, board, commission, or authority may periodically adjust a convenience fee as needed upon review and adoption as provided for in Section 4 41.5s of this ~~act~~ title.

B. For purposes of this section, "convenience fee" shall mean any charge that is necessary to process an electronic/on-line transaction with a state agency, board, commission or authority. The fee may be in excess of any fee charged for the service or

product being provided by such state entity. This ~~may~~ shall include reasonable charges for the cost of the electronic/on-line service including recovery of costs incurred in the development and implementation of the service or system, cost of sustaining and upgrading the electronic/on-line service, and future expansion of the electronic/on-line services.

C. If a state agency, board, commission, or authority enters into a contract or agreement with a vendor or another state agency for the development of a portal system as defined in Section 41.5p of this title or development of Internet-based electronic/on-line transactions or applications for connection to a portal system, the contract or agreement shall provide that any convenience fee, as defined in this section, shall first be applied to recover costs charged by the vendor or state agency.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

49-2-7433

KB

12/15/03