

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 364

By: Gumm

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 2001, Section 151, which relates to collection; directing collection of certain fees, assessments and payments; requiring court clerk to post and collect certain fee; requiring Supreme Court to set certain fee; authorizing payment of certain costs from court fund; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 151, is amended to read as follows:

Section 151. A. It shall be the duty of the clerks of the district court and other trial courts of record of this state to charge and collect the fees imposed by this title and other fees, assessments and payments as imposed by the Oklahoma Statutes, fines, costs and assessments imposed by the district courts or appellant courts, and none others, in all cases, except those in which the defendant is charged with a misdemeanor or traffic violation, and except cases under the Small Claims Procedure Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes.

B. 1. Payment for any fee provided for in this title may be made by a nationally recognized credit or debit card issued to the applicant. The court clerk ~~may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of the payment as a service charge for the acceptance and verification of the credit card~~ shall publicly post and collect a fee for the acceptance of the nationally recognized credit or debit card that shall not exceed One Hundred Dollars (\$100.00). The court fee shall be set by the Supreme Court of Oklahoma each time a fee

schedule is promulgated by the Supreme Court of Oklahoma. Any other costs or maintenance fees accrued for accepting or using credit or debit cards may be paid from the court fund. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand merchants in this state. "Debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. The court clerk shall determine which nationally recognized credit or debit cards will be accepted as payment for fees.

2. Written procedures for acceptance or rejection of credit cards shall be established by the Office of the State Auditor and Inspector with approval and direction to court clerks to be issued by the Administrative Office of the Courts.

C. Payment for any fee provided for in this title may be made by a personal or business check. The court clerk, at the court clerk's discretion, may:

1. Add an amount equal to the amount of the service charge incurred, not to exceed three percent (3%) of the amount of the check as a service charge for the acceptance and verification of the check; or

2. Add an amount of no more than Five Dollars (\$5.00) as a service charge for the acceptance and verification of a check. For purposes of this subsection, "personal or business check" shall not mean a money order, cashier's check, or bank certified check.

D. The Supreme Court is authorized to institute a cost collection program for collection of fees, fines, costs and assessments provided for in this title.

SECTION 2. This act shall become effective November 1, 2005.

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