

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2832

6 By: Sullivan

7 COMMITTEE SUBSTITUTE

8 An Act relating to the collection of fees; amending  
9 20 O.S. 2001, Section 38 and 28 O.S. 2001, Section  
10 151, as last amended by Section 1, Chapter 247,  
11 O.S.L. 2007 (28 O.S. Supp. 2007, Section 151), which  
12 relate to the collection of fees and costs; providing  
13 for clerks of certain courts and the Administrative  
14 Office of the Courts to accept payment of certain  
15 fees and costs by credit or debit cards or by other  
16 electronic payment methods; providing an effective  
17 date, and declaring an emergency.

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

19 SECTION 1. AMENDATORY 20 O.S. 2001, Section 38, is  
20 amended to read as follows:

21 Section 38. The Clerk of the Supreme Court shall be ex officio  
22 Clerk of the Court of Criminal Appeals, and shall perform like  
23 services as ~~he performs~~ are performed for the Supreme Court. In all  
24 cases filed in the Court of Criminal Appeals, and at the time of  
filing ~~same~~, there shall be deposited with ~~said~~ the Clerk as costs  
in ~~said~~ the cause, Fifty Dollars (\$50.00). ~~Said~~ The sum shall cover

1 all Court costs in ~~said~~ the case and no rebate of any part thereof  
2 shall be made. Payments to the Clerk of the Supreme Court for any  
3 fee, cost, or other charge assessed pursuant to this section or any  
4 other law directing or authorizing the Clerk of the Supreme Court to  
5 assess or collect any fee, cost, or charge may be made by a  
6 nationally recognized credit or debit card or by other electronic  
7 payment methods as provided in Section 151 of Title 28 of the  
8 Oklahoma Statutes.

9 SECTION 2. AMENDATORY 28 O.S. 2001, Section 151, as  
10 amended by Section 1, Chapter 247, O.S.L. 2007 (28 O.S. Supp. 2007,  
11 Section 151), is amended to read as follows:

12 Section 151. A. It shall be the duty of the Clerk of the  
13 Supreme Court and the clerks of the district court and other trial  
14 courts of record ~~of~~ in this state to charge and collect the fees  
15 imposed by this title and other fees, assessments and payments as  
16 imposed by the Oklahoma Statutes, fines, costs and assessments  
17 imposed by the district courts or appellate courts, and none others,  
18 in all cases, except those in which the defendant is charged with a  
19 misdemeanor or traffic violation, and except cases under the Small  
20 Claims Procedure Act, ~~Section~~ Sections 1751 ~~et seq.~~ through 1773 of  
21 Title 12 of the Oklahoma Statutes.

22 B. 1. As authorized by the Administrative Office of the  
23 Courts, the ~~court~~ Clerk of the Supreme Court, each district court  
24 clerk, any other clerk of any other trial court in this state, and

1 the Administrative Office of the Courts may accept a nationally  
2 recognized credit or debit card or other electronic payment method  
3 for any lawful purpose, including, but not limited to, payment for  
4 any fee, fine, forfeiture payment, cost, penalty assessment or other  
5 charge or collection to be assessed or collected by the court clerk  
6 or the Administrative Office of the Courts under the laws of this  
7 state. The court clerk and Administrative Office of the Courts  
8 shall not collect a fee for the acceptance of the nationally  
9 recognized credit or debit card. Prior to the distribution of any  
10 fees provided for by law, the court clerk shall apportion on a pro  
11 rata basis the costs associated with the administration, acceptance,  
12 processing, and verification of the credit card or debit card among  
13 all state, municipal or other government entities or funds that are  
14 entitled by law to receive any payments from the court clerk from  
15 any fee, fine, forfeiture payment, cost, penalty assessment or other  
16 collection. All credit and debit card costs shall be deducted from  
17 the fees, fines, forfeiture payments, costs, penalty assessments or  
18 other collections before transmittal is made to state, municipal or  
19 government entities or funds pursuant to the provisions of any law  
20 of this state that direct a court clerk to pay any amount or any  
21 portion of any fee, fine, forfeiture payment, cost, penalty  
22 assessment, or other collection to another state, municipal, or  
23 other government entity or fund. Each state, municipal, or other  
24 government entity or fund entitled to payment shall then receive

1 only its statutory share less its prorated share of the credit or  
2 debit card costs. For purposes of this subsection, "nationally  
3 recognized credit card" means any instrument or device, whether  
4 known as a credit card, credit plate, charge plate, or by any other  
5 name, issued with or without fee by an issuer for the use of the  
6 cardholder in obtaining goods, services, or anything else of value.  
7 "Debit card" means an identification card or device issued to a  
8 person by a business organization which permits such person to  
9 obtain access to or activate a consumer banking electronic facility.  
10 The Administrative Office of the Courts is authorized to negotiate  
11 and organize statewide contracts for the acceptance and processing  
12 of credit and debit cards and equipment related thereto.

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

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

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

24

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

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

8           SECTION 3. This act shall become effective July 1, 2008.

9           SECTION 4. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13  
14           51-2-10523           MMP           03/04/08

15  
16  
17  
18  
19  
20  
21  
22  
23  
24