

1 ENGROSSED SENATE
2 BILL NO. 1648

By: Jolley of the Senate
and
Miller of the House

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7 An Act relating to the consumer credit code;
8 amending 14A O.S. 2001, Sections 2-211, as amended
9 by Section 1, Chapter 126, O.S.L. 2005 and 2-417
10 (14A O.S. Supp. 2009, Section 2-211), which relate
11 to sales transactions; prohibiting charging higher
12 fee for payment with debit card under specified
13 circumstances; defining term; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 14A O.S. 2001, Section 2-211, as
17 amended by Section 1, Chapter 126, O.S.L. 2005 (14A O.S. Supp. 2009,
18 Section 2-211), is amended to read as follows:

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

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

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

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

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

3 SECTION 2. AMENDATORY 14A O.S. 2001, Section 2-417, is
4 amended to read as follows:

5 Section 2-417. A. No seller in any sales transaction may
6 impose a surcharge on a cardholder who elects to use a credit card
7 or debit card in lieu of payment by cash, check or similar means.

8 B. As used in this section, "debit card" means any instrument
9 or device, whether known as a debit card or by any other name,
10 issued with or without fee by an issuer for the use of the
11 cardholder in depositing, obtaining or transferring funds from a
12 consumer banking electronic facility.

13 SECTION 3. This act shall become effective November 1, 2010.

14 Passed the Senate the 9th day of March, 2010.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2010.

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Presiding Officer of the House
of Representatives

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