

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1958

By: Bass

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5
6 AS INTRODUCED

7 An Act relating to public finance and revenue and
8 taxation; amending 62 O.S. 2001, Section 34.25, as
9 last amended by Section 4, Chapter 322, O.S.L. 2009
10 (62 O.S. Supp. 2009, Section 34.25), which relates to
11 state convenience fees for electronic transactions;
12 modifying restrictions on items which may be used to
13 determine convenience fees; requiring Oklahoma Tax
14 Commission to provide quarterly report on specified
15 convenience fees received for certain purpose and
16 specifying contents thereof; providing for
17 codification; providing an effective date; and
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 62 O.S. 2001, Section 34.25, as
21 last amended by Section 4, Chapter 322, O.S.L. 2009 (62 O.S. Supp.
22 2009, Section 34.25), is amended to read as follows:

23 Section 34.25 A. Subject to review and adoption as outlined in
24 Section 41.5s of this title, a state agency, board, commission, or
authority is hereby authorized to charge a convenience fee for any
electronic or online transaction. A convenience fee shall apply to
electronic or online transactions only and shall not apply when
accessing information provided through state government websites.

1 If a state entity sets a convenience fee for electronic or online
2 transactions, the fee shall be reviewed by the State Governmental
3 Internet Applications Review Board as provided for in Section ~~41.5s~~
4 34.27 of this title. Each state entity shall keep a record of how
5 the convenience fee has been determined. A state agency, board,
6 commission, or authority may periodically adjust a convenience fee
7 as needed upon review and adoption as provided for in Section ~~41.5s~~
8 34.27 of this title.

9 B. For purposes of this section, "convenience fee" shall mean a
10 charge that is necessary to process an electronic or online
11 transaction with a state agency, board, commission or authority.
12 The fee shall be limited to bank processing fees and financial
13 transaction fees, the cost of providing for secure transaction,
14 portal fees, ~~and~~ fees necessary to compensate for increased
15 bandwidth incurred as a result of providing for an online
16 transaction and for any fees which are generated from the online
17 renewal of registration for motor vehicles pursuant to Section 1115
18 of Title 47 of the Oklahoma Statutes, which may include any
19 additional amount which may be designated by statute as necessary to
20 compensate motor license agents for a loss in revenue.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 120 of Title 68, unless there is
23 created a duplication in numbering, reads as follows:

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1 Beginning as soon as is practicable after September 1, 2010, and
2 for each quarter thereafter, the Oklahoma Tax Commission shall
3 provide to the Pro Tempore of the State Senate, Speaker of the House
4 of Representatives and the Governor a quarterly report on the impact
5 of those convenience fees authorized by Section 41.5p-1 of Title 62
6 of the Oklahoma Statutes, which are collected by the Tax Commission
7 and not by a motor license agent for online renewal of registration
8 for motor vehicles pursuant to Section 1115 of Title 47 of the
9 Oklahoma Statutes. Such report shall provide a listing of the total
10 number and dollar amount of convenience fees collected for online
11 renewal of registration, organized by the county of residence and
12 zip code of the applicant.

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

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

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