

1 ENGROSSED SENATE
2 BILL NO. 1774

By: Laster and Jolley of the
Senate

3 and

4 Denney of the House

5
6 [credit card transactions - private educational
7 institutions - convenience fee - effective date -
8 emergency]

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

10 SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-211, is
11 amended to read as follows:

12 Section 2-211. A. With respect to all sales transactions, a
13 discount which a seller offers, allows or otherwise makes available
14 for the purpose of inducing payment by cash, check or similar means
15 rather than by use of an open-end credit card account shall not
16 constitute a credit service charge as determined under Section 2-109
17 of this title if the discount is offered to all prospective buyers
18 clearly and conspicuously in accordance with regulations of the
19 Administrator of Consumer Affairs. No seller in any sales
20 transaction may impose a surcharge on a cardholder who elects an
21 open-end credit card or debit card account instead of paying by
22 cash, check or similar means. There is no limit on the discount
23 which may be offered by the seller. A seller who provides a
24 discount otherwise than in accordance with the regulations of the

1 Administrator must make the disclosures required by those
2 regulations.

3 B. A seller who is registered with the United States Treasury
4 Department as a money transmitter pursuant to 31 CFR, Section
5 103.41, and who provides an electronic funds transmission service,
6 including service by telephone and the Internet, may charge a
7 different price for a funds transmission service based on the mode
8 of transmission used in the transaction without violating this
9 section so long as the price charged for a service paid for with an
10 open-end credit card or debit card account is not greater than the
11 price charged for such service if paid for with currency or other
12 similar means accepted within the same mode of transmission.

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

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

22 E. For purposes of this section, a private educational
23 institution as defined in paragraph (e) of Section 3102 of Title 70
24 of the Oklahoma Statutes may charge a convenience fee. The

1 convenience fee shall be limited to bank processing fees and
2 financial transaction fees, the cost of providing for secure
3 transaction, portal fees, and fees necessary to compensate for
4 increased bandwidth incurred as a result of providing for an online
5 transaction.

6 SECTION 2. AMENDATORY 14A O.S. 2011, Section 2-417, is
7 amended to read as follows:

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

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

16 C. For purposes of this section, a private educational
17 institution as defined in paragraph (e) of Section 3102 of Title 70
18 of the Oklahoma Statutes may charge a convenience fee. The
19 convenience fee shall be limited to bank processing fees and
20 financial transaction fees, the cost of providing for secure
21 transaction, portal fees, and fees necessary to compensate for
22 increased bandwidth incurred as a result of providing for an online
23 transaction.

24 SECTION 3. This act shall become effective July 1, 2012.

