

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 817

By: Smalley

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5
6 AS INTRODUCED

7 An Act relating to consumer credit code; amending 14A
8 O.S. 2011, Sections 2-211 and 2-417, as amended by
9 Sections 1 and 2, Chapter 221, O.S.L. 2012 (14A O.S.
10 Supp. 2014, Section 2-211 and 2-417), authorizing
11 municipalities and certain municipal public trusts to
12 charge convenience fees; stating limitations; and
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-211, as
16 amended by Section 1, Chapter 221, O.S.L. 2012 (14A O.S. Supp. 2014,
17 Section 2-211), is amended to read as follows:

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

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

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

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

22 D. As used in this section, "debit card" means any instrument
23 or device, whether known as a debit card or by any other name,
24 issued with or without fee by an issuer for the use of the

1 cardholder in depositing, obtaining or transferring funds from a
2 consumer banking electronic facility.

3 E. For purposes of this section, a private educational
4 institution as defined in paragraph (e) of Section 3102 of Title 70
5 of the Oklahoma Statutes, a municipality as defined in paragraph 5
6 of Section 1-102 of Title 11 of the Oklahoma Statutes or a public
7 trust with a municipality as its beneficiary may charge a
8 convenience fee. The convenience fee shall be limited to bank
9 processing fees and financial transaction fees, the cost of
10 providing for secure transaction, portal fees, and fees necessary to
11 compensate for increased bandwidth incurred as a result of providing
12 for an online transaction.

13 SECTION 2. AMENDATORY 14A O.S. 2011, Section 2-417, as
14 amended by Section 2, Chapter 221, O.S.L. 2012 (14A O.S. Supp. 2014,
15 Section 2-417), is amended to read as follows:

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

19 B. As used in this section, "debit card" means any instrument
20 or device, whether known as a debit card or by any other name,
21 issued with or without fee by an issuer for the use of the
22 cardholder in depositing, obtaining or transferring funds from a
23 consumer banking electronic facility.
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7 processing fees and financial transaction fees, the cost of
8 providing for secure transaction, portal fees, and fees necessary to
9 compensate for increased bandwidth incurred as a result of providing
10 for an online transaction.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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