

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1172

By: Treat of the Senate

and

6 Kannady of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to Consumer Credit Code; authorizing
11 certain fee for certain database access; requiring
12 fees to be approved by Administrator of Consumer
13 Credit; allowing fees to be set by rule; amending
14 14A O.S. 2011, Section 2-417, as last amended by
15 Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp.
16 2017, Section 2-417, which relates to credit or
17 debit card surcharges; modifying transactions
18 incurring service fees; authorizing surcharge of
19 bank processing fee for use of credit cards on
20 certain activities or transactions; limiting
21 surcharge to actual bank processing fees; requiring
22 certain disclosure; construing provisions; providing
23 for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-516 of Title 14A, unless there
is created a duplication in numbering, reads as follows:

A loan database provider may charge a supervised lender a
verification fee for access to the loan database and for submission

1 of information to the database for each month that a loan payment
2 balance is scheduled and outstanding on a supervised loan
3 transaction. All verification fee amounts to be charged by a loan
4 database provider to a supervised lender shall be approved by the
5 Administrator of Consumer Credit, designated under Section 6-103 of
6 Title 14A of the Oklahoma Statutes, and may be established by rule.

7 SECTION 2. AMENDATORY 14A O.S. 2011, Section 2-417, as
8 last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp.
9 2017, Section 2-417), is amended to read as follows:

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

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

18 C. For purposes of this section, a private educational
19 institution as defined in paragraph (e) of Section 3102 of Title 70
20 of the Oklahoma Statutes, a private school defined as a nonpublic
21 entity conducting an educational program for at least one grade
22 between prekindergarten through twelve, a municipality as defined in
23 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
24 a public trust with a municipality as its beneficiary may charge a

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

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2-418 of Title 14A, unless there
8 is created a duplication in numbering, reads as follows:

9 With respect to a person acting on behalf of a principal in a
10 lawful business activity or transaction in which money is advanced
11 or paid by credit card to the agent, and deposited in the agent's
12 lawful trust, escrow or holding account, the person acting on behalf
13 of the principal may surcharge the credit card processing fee
14 incurred. No credit card surcharge shall exceed the actual bank
15 processing fee. All surcharges and amounts must be fully disclosed
16 as part of the agreement for services by the agent. Such activity
17 or transaction must not require a charter, license or registration
18 as a trust and must be an exempt activity as provided in Section
19 1706 of Title 6 of the Oklahoma Statutes. Any credit card surcharge
20 authorized by this section shall not be deemed contrary to any
21 provision of Section 2-211 or Section 2-417 of Title 14A of the
22 Oklahoma Statutes for sales transactions. The provisions of this
23 section shall not authorize any additional fees or charges regulated
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1 or prohibited by any other provision of law or by any contractual
2 provision.

3 SECTION 4. This act shall become effective November 1, 2018.
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