

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1151

By: Leewright of the Senate

and

Hilbert of the House

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9 An Act relating to consumer loans; authorizing
10 convenience fees to be charged for certain electronic
11 payments; setting maximum amount of fee; requiring
12 customer notification of fee; providing right to
13 cancel transaction; providing options for payments
14 without convenience fee charges; making certain fee
15 nonrefundable; defining term; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3-508C of Title 14A, unless
20 there is created a duplication in numbering, reads as follows:

21 A. In addition to the loan finance charges permitted by
22 Sections 3-508A and 3-508B of Title 14A of the Oklahoma Statutes, a
23 lender may contract for and receive a convenience fee from any
24 borrower making his or her payment by debit card, electronic funds
25 transfer, electronic check or other electronic means in order to

1 offset the costs incurred by a lender for accepting and processing
2 payments by electronic means.

3 B. Any convenience fee imposed and collected by a lender
4 pursuant to this section shall not exceed the actual cost or four
5 percent (4%) of the electronic payment transaction, whichever is
6 less.

7 C. Any lender charging a convenience fee pursuant to this
8 section shall notify the customer of the amount of the fee prior to
9 completing an electronic payment transaction, and shall provide the
10 customer an opportunity to cancel the transaction without incurring
11 a fee. A lender shall make available the option to make payments on
12 a loan by check, cash or money order directly to the lender without
13 the imposition of a convenience fee or by various types of
14 electronic payment transactions with any convenience fee fully
15 disclosed either in the loan contract or at the time of the
16 transaction.

17 D. When a borrower elects to make a payment to the lender by
18 debit card, electronic funds transfer, electronic check or other
19 electronic means and a convenience fee is imposed and collected
20 pursuant to this section, the payment of the convenience fee shall
21 not be refundable.

22 E. For purposes of this section, "actual costs" means actual
23 third-party costs incurred for the processing of payments made by
24 electronic means. If the lender is a subsidiary of an entity that

1 processes payments made by electronic means, the parent entity shall
2 be considered a third party.

3 SECTION 2. This act shall become effective November 1, 2018.

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5 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
6 04/11/2018 - DO PASS.
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