

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SUBCOMMITTEE  
RECOMMENDATION

FOR

HOUSE BILL NO. 1425

By: Loring

SUBCOMMITTEE RECOMMENDATION

An Act relating to fees; amending 14A O.S. 2011, Section 2-417, as last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp. 2018, Section 2-417), which relates to surcharges for use of credit or debit cards; providing for certain fees for online transactions; amending 28 O.S. 2011, Section 151, which relates to the collection of fees, fines, costs and assessments; exempting certain courts from certain collection requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-417, as last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp. 2018, Section 2-417), is amended to read as follows:

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

B. As used in this section, "debit card" means any instrument or device, whether known as a debit card or by any other name, 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 C. 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 private school defined as a nonpublic  
6 entity conducting an educational program for at least one grade  
7 between prekindergarten through twelve, a municipality as defined in  
8 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or  
9 a public trust with a municipality as its beneficiary may charge a  
10 service fee. The service fee may be applied to online or in-person  
11 transactions and shall be ~~limited to~~ used to offset bank processing  
12 fees, ~~and~~ financial transaction fees, the cost of providing for  
13 secure transaction, portal fees, and fees necessary to compensate  
14 for increased bandwidth incurred as a result of providing ~~for an~~  
15 online the transaction.

16 SECTION 2. AMENDATORY 28 O.S. 2011, Section 151, is  
17 amended to read as follows:

18 Section 151. A. It shall be the duty of the clerks of the  
19 district court and other trial courts of record of this state to  
20 charge and collect the fees imposed by this title and other fees,  
21 assessments and payments as imposed by the Oklahoma Statutes, fines,  
22 costs and assessments imposed by the district courts or appellate  
23 courts, and none others, in all cases, except those in which the  
24 defendant is charged with a misdemeanor or traffic violation, and

1 except cases under the Small Claims Procedure Act, Section 1751 et  
2 seq. of Title 12 of the Oklahoma Statutes. This section shall not  
3 apply to municipal courts not of record in this state.

4 B. 1. As authorized by the Administrative Office of the  
5 Courts, the court clerk may accept a nationally recognized credit or  
6 debit card or other electronic payment method for any lawful  
7 purpose, including, but not limited to, payment for any fee, fine,  
8 forfeiture payment, cost, penalty assessment or other charge or  
9 collection to be assessed or collected by the court clerk under the  
10 laws of this state. The court clerk shall not collect a fee for the  
11 acceptance of the nationally recognized credit or debit card. Prior  
12 to the distribution of any fees provided for by law, the court clerk  
13 shall apportion on a pro rata basis the costs associated with the  
14 administration, acceptance, processing, and verification of the  
15 credit card or debit card among all state, municipal or other  
16 government entities or funds that are entitled by law to receive any  
17 payments from the court clerk from any fee, fine, forfeiture  
18 payment, cost, penalty assessment or other collection. All credit  
19 and debit card costs shall be deducted from the fees, fines,  
20 forfeiture payments, costs, penalty assessments or other collections  
21 before transmittal is made to state, municipal or government  
22 entities or funds pursuant to the provisions of any law of this  
23 state that direct a court clerk to pay any amount or any portion of  
24 any fee, fine, forfeiture payment, cost, penalty assessment, or

1 other collection to another state, municipal, or other government  
2 entity or fund. Each state, municipal, or other government entity  
3 or fund entitled to payment shall then receive only its statutory  
4 share less its prorated share of the credit or debit card costs.  
5 For purposes of this subsection, "nationally recognized credit card"  
6 means any instrument or device, whether known as a credit card,  
7 credit plate, charge plate, or by any other name, issued with or  
8 without fee by an issuer for the use of the cardholder in obtaining  
9 goods, services, or anything else of value. "Debit card" means an  
10 identification card or device issued to a person by a business  
11 organization which permits such person to obtain access to or  
12 activate a consumer banking electronic facility. The Administrative  
13 Office of the Courts is authorized to negotiate and organize  
14 statewide contracts for the acceptance and processing of credit and  
15 debit cards and equipment related thereto.

16 2. Written procedures for acceptance or rejection of credit  
17 cards shall be established by the Office of the State Auditor and  
18 Inspector with approval and direction to court clerks to be issued  
19 by the Administrative Office of the Courts.

20 C. Payment for any fee provided for in this title may be made  
21 by a personal or business check. The court clerk, at the court  
22 clerk's discretion, may:

23 1. Add an amount equal to the amount of the service charge  
24 incurred, not to exceed three percent (3%) of the amount of the

1 check as a service charge for the acceptance and verification of the  
2 check; or

3 2. Add an amount of no more than Five Dollars (\$5.00) as a  
4 service charge for the acceptance and verification of a check. For  
5 purposes of this subsection, "personal or business check" shall not  
6 mean a money order, cashier's check, or bank certified check.

7 D. The Supreme Court is authorized to institute a cost  
8 collection program for collection of fees, fines, costs and  
9 assessments provided for in this title.

10 SECTION 3. This act shall become effective November 1, 2019.

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