

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1425

By: Loring

AS INTRODUCED

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; allowing court clerks to collect fees for the use of credit or debit cards; providing for certain fees for online transactions; 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 shall be limited to bank processing
11 fees and financial transaction fees; however, if the transaction is
12 an online transaction, the cost of providing for secure transaction,
13 portal fees, and fees necessary to compensate for increased
14 bandwidth ~~incurred as a result of providing for an online~~
15 ~~transaction~~ may also be added to the service fee.

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.

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

~~other government entity or fund. Each state, municipal, or other~~
~~government entity or fund entitled to payment shall then receive~~
~~only its statutory share less its prorated share of the credit or~~
~~debit card costs. The service fee shall be limited to bank~~
~~processing fees and financial transaction fees; however, if the~~
~~transaction is an online transaction, the cost of providing for~~
~~secure transaction, portal fees, and fees necessary to compensate~~
~~for increased bandwidth may also be added to the service fee.~~ For
purposes of this subsection, "nationally recognized credit card"
means any instrument or device, whether known as a credit card,
credit plate, charge plate, or by any other name, issued with or
without fee by an issuer for the use of the cardholder in obtaining
goods, services, or anything else of value. "Debit card" means an
identification card or device issued to a person by a business
organization which permits such person to obtain access to or
activate a consumer banking electronic facility. The Administrative
Office of the Courts is authorized to negotiate and organize
statewide contracts for the acceptance and processing of credit and
debit cards and equipment related thereto.

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

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

4 1. Add an amount equal to the amount of the service charge
5 incurred, not to exceed three percent (3%) of the amount of the
6 check as a service charge for the acceptance and verification of the
7 check; or

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

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

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