

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3025

By: Worthen

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6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2021,
8 Section 151, which relates to clerk's duty to charge
9 and collect fees; clarifying clerk's duty; providing
10 procedure for payment with United States currency;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 28 O.S. 2021, Section 151, is
14 amended to read as follows:

15 Section 151. A. It shall be the duty of the clerks of the
16 district court and other trial courts of record of this state to
17 charge and collect the fees imposed by this title and other fin
18 costs, fees, assessments and payments as imposed by the Oklahoma
19 Statutes, ~~fin~~, ~~costs~~ and ~~assessments~~ imposed by the district
20 courts or appellate courts, and none others, ~~in all cases, except~~
21 ~~those in which the defendant is charged with a misdemeanor or~~
22 ~~traffic violation, and except cases under the Small Claims Procedure~~
23 ~~Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes.~~

24 This section shall not apply to municipal courts not of record in

1 this state. When receiving payment in the form of United States
2 currency, the court clerk shall not be required to accept payment
3 which consists of unrolled coins in an amount greater than Ten
4 Dollars (\$10.00), and may require loose coins in excess of that
5 amount be counted and rolled by the payor before accepted as
6 payment.

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

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

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

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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.

10 For purposes of this subsection, "personal or business check"
11 shall not mean a money order, cashier's check, or bank certified
12 check.

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

16 SECTION 2. This act shall become effective November 1, 2022.

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18 58-2-9026 AQH 12/20/21
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