

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB677 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Emily Gise

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED OVERSIGHT
COMMITTEE SUBSTITUTE
FOR ENGROSSED SENATE
BILL NO. 677

By: Kern and Bullard of the
Senate

and

Gise of the House

PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

An Act relating to sales transactions; amending 14A O.S. 2021, Section 2-211, which relates to discounts inducing payment by cash, check, or similar means; increasing options for discount; authorizing no limit on amount of discount; requiring certain disclosure for sellers offering certain discount; clarifying use of surcharges; requiring certain notice for surcharges; limiting amount of surcharge; updating language; defining credit card' defining seller; defining surcharge; repealing 14A O.S. 2021, Section 2-417, which relates to surcharge for use of credit card or debit card; and providing an effective date.

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

SECTION 1. AMENDATORY 14A O.S. 2021, Section 2-211, is amended to read as follows:

Section 2-211. A. With respect to all sales, service, and lease transactions including, but not limited to, any consumer credit sales transaction, a discount which a seller offers, allows, or otherwise makes available for the purpose of inducing payment by

1 cash, check, debit card, or similar means rather than by use of ~~an~~
2 ~~open-end~~ a credit card account shall not constitute a credit service
3 charge as determined under Section 2-109 of this title if the
4 discount is offered to all prospective buyers clearly and
5 conspicuously in accordance with regulations of the Administrator of
6 Consumer ~~Affairs~~ Credit. There shall be no limit on the discount
7 that may be offered by the seller. Pursuant to the regulations of
8 the Administrator, a seller who provides a discount not in
9 accordance with regulations shall disclose such information to the
10 Administrator.

11 B. No seller ~~in any sales transaction~~ may impose a surcharge on
12 a cardholder who elects ~~an open-end~~ to pay using a credit card or
13 ~~debit card account~~ instead of paying by cash, check, debit card, or
14 similar means unless the seller complies with the following
15 requirements:

16 1. Notice displaying the amount of the surcharge applicable
17 shall be clearly and conspicuously posted at the point of entry and
18 the point of sale for in-person transactions and the home page and
19 the point-of-sale webpage for online transactions. Notice,
20 including all required information, shall be verbally disclosed to
21 the customer for transactions processed over the phone; and

22 2. No surcharge shall exceed two percent (2%) of the total
23 transaction or the actual amount to be charged to the person or
24 retailer to process the credit card transaction, whichever is less.

1 A customer shall not be considered to have chosen to use a credit
2 card as a method of payment under this section if, at the time of
3 the transaction, the person or retailer accepts only credit cards as
4 payment.

5 ~~There is no limit on the discount which may be offered by the~~
6 ~~seller. A seller who provides a discount otherwise than in~~
7 ~~accordance with the regulations of the Administrator must make the~~
8 ~~disclosures required by those regulations.~~

9 ~~B.~~ C. A seller who is registered with the United States
10 ~~Treasury~~ Department of the Treasury as a money transmitter pursuant
11 to 31 ~~CFR~~ C.F.R., Section 103.41, and who provides an electronic
12 funds transmission service, including service by telephone and the
13 Internet, may charge a different price for a funds transmission
14 service based on the mode of transmission used in the transaction
15 without violating this section so long as the price charged for a
16 service paid for with an open-end credit card or debit card account
17 is not greater than the price charged for such service if paid for
18 with currency or other similar means accepted within the same mode
19 of transmission.

20 ~~C.~~ D. Any seller subject to the provisions of subsection ~~B~~ C of
21 this section shall either conduct business at a location in this
22 state or comply with the provisions of Section 1022 of Title 18 of
23 the Oklahoma Statutes.

24 ~~D.~~ E. As used in this section, ~~"debit card":~~

1 1. "Credit card" means any instrument or device, whether known
2 as a ~~debit~~ credit card, credit plate, charge card, or by any other
3 name, issued with or without fee by an issuer for the use of the
4 cardholder in ~~depositing, obtaining or transferring funds from a~~
5 ~~consumer banking electronic facility~~ money, goods or services, or
6 anything of value on credit;

7 2. "Seller" means any person, entity, or retailer doing
8 business in this state in any sales, service, or lease transaction
9 including, but not limited to, any consumer credit sales
10 transaction; and

11 3. "Surcharge" means any additional amount imposed by a person,
12 entity, or retailer at the time of a credit card transaction that
13 increases the amount of the transaction for the use of a credit card
14 as payment.

15 ~~E.~~ F. For purposes of this section, a private educational
16 institution as defined in paragraph (e) of Section 3102 of Title 70
17 of the Oklahoma Statutes, a private school defined as a nonpublic
18 entity conducting an educational program for at least one grade
19 between prekindergarten through twelve, a municipality as defined in
20 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
21 a public trust with a municipality as its beneficiary may charge a
22 service fee. The service fee shall be limited to bank processing
23 fees and financial transaction fees, the cost of providing for
24 secure transaction, portal fees, and fees necessary to compensate

1 for increased bandwidth incurred as a result of providing ~~for an~~
2 ~~online~~ the transaction.

3 SECTION 2. REPEALER 14A O.S. 2021, Section 2-417, is
4 hereby repealed.

5 SECTION 3. This act shall become effective November 1, 2025.

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7 60-1-13585 AQH 04/21/25

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