

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3028

7 By: Kerbs

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to the Consumer Credit Code; amending
10 14A O.S. 2021, Section 2-211, as amended by Section
11 1, Chapter 410, O.S.L. 2025 (14A O.S. Supp. 2025,
12 Section 2-211), which relates to service fees;
13 allowing technology center school districts and
14 public schools to charge service fees for certain
15 transactions; and providing an effective date.

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

17 SECTION 1. AMENDATORY 14A O.S. 2021, Section 2-211, as
18 amended by Section 1, Chapter 410, O.S.L. 2025 (14A O.S. Supp. 2025,
19 Section 2-211), is amended to read as follows:

20 Section 2-211. A. With respect to all sales, service, and
21 lease transactions including, but not limited to, any consumer
22 credit sales transaction, a discount which a seller offers, allows,
23 or otherwise makes available for the purpose of inducing payment by
24 cash, check, debit card, or similar means rather than by use of a
credit card shall not constitute a credit service charge as

1 determined under Section 2-109 of this title if the discount is
2 offered to all prospective buyers clearly and conspicuously in
3 accordance with regulations of the Administrator of Consumer Credit.
4 There shall be no limit on the discount that may be offered by the
5 seller. Pursuant to the regulations of the Administrator, a seller
6 who provides a discount not in accordance with regulations shall
7 disclose such information to the Administrator.

8 B. No seller may impose a surcharge on a cardholder who elects
9 to pay using a credit card instead of paying by cash, check, debit
10 card, or similar means unless the seller complies with the following
11 requirements:

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

18 2. No surcharge shall exceed two percent (2%) of the total
19 transaction or the actual amount to be charged to the person or
20 retailer to process the credit card transaction, whichever is less.
21 A customer shall not be considered to have chosen to use a credit
22 card as a method of payment under this section if, at the time of
23 the transaction, the person or retailer accepts only credit cards as
24 payment.

1 C. A seller who is registered with the United States Department
2 of the Treasury as a money transmitter pursuant to 31 C.F.R.,
3 Section 103.41, and who provides an electronic funds transmission
4 service, including service by telephone and the Internet, may charge
5 a different price for a funds transmission service based on the mode
6 of transmission used in the transaction without violating this
7 section so long as the price charged for a service paid for with an
8 open-end credit card or debit card account is not greater than the
9 price charged for such service if paid for with currency or other
10 similar means accepted within the same mode of transmission.

11 D. Any seller subject to the provisions of subsection C of this
12 section shall either conduct business at a location in this state or
13 comply with the provisions of Section 1022 of Title 18 of the
14 Oklahoma Statutes.

15 E. As used in this section:

16 1. "Credit card" means any instrument or device, whether known
17 as a credit card, credit plate, charge card, or by any other name,
18 issued with or without fee by an issuer for the use of the
19 cardholder in money, goods or services, or anything of value on
20 credit;

21 2. "Seller" means any person, entity, or retailer doing
22 business in this state in any sales, service, or lease transaction
23 including, but not limited to, any consumer credit sales
24 transaction; and

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

5 F. For purposes of this section, a private educational
6 institution as defined in paragraph (e) of Section 3102 of Title 70
7 of the Oklahoma Statutes, a private school defined as a nonpublic
8 entity conducting an educational program for at least one grade
9 between prekindergarten through twelve, a technology center school
10 district, a public school, a municipality as defined in paragraph 5
11 of Section 1-102 of Title 11 of the Oklahoma Statutes, or a public
12 trust with a municipality as its beneficiary may charge a service
13 fee. The service fee shall be limited to bank processing fees and
14 financial transaction fees, the cost of providing for secure
15 transaction, portal fees, and fees necessary to compensate for
16 increased bandwidth incurred as a result of providing the
17 transaction.

18 SECTION 2. This act shall become effective November 1, 2026.

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20 60-2-16251 CMA 02/10/26

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