

# An Act

ENROLLED SENATE  
BILL NO. 677

By: Kern, Bullard, and Frix of  
the Senate

and

Gise of the House

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.

SUBJECT: Sales transactions

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 cash, check, debit card, or similar means rather than by use of ~~an open-end~~ a credit card account shall not constitute a credit service charge as determined under Section 2-109 of this title if the discount is offered to all prospective buyers clearly and conspicuously in accordance with regulations of the Administrator of Consumer ~~Affairs~~ Credit. There shall be no limit on the discount

that may be offered by the seller. Pursuant to the regulations of the Administrator, a seller who provides a discount not in accordance with regulations shall disclose such information to the Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 20th day of May, 2025.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of May, 2025.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_