

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 677

By: Kern, Bullard, and **Frix** of
the Senate

and

Gise of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to sales transactions; amending 14A
13 O.S. 2021, Section 2-211, which relates to discounts
14 inducing payment by cash, check, or similar means;
15 increasing options for discount; authorizing no limit
16 on amount of discount; requiring certain disclosure
17 for sellers offering certain discount; clarifying use
18 of surcharges; requiring certain notice for
19 surcharges; limiting amount of surcharge; updating
20 language; defining credit card; defining seller;
21 defining surcharge; repealing 14A O.S. 2021, Section
22 2-417, which relates to surcharge for use of credit
23 card or debit card; and providing an effective date.

24 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

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

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

18 1. Notice displaying the amount of the surcharge applicable
19 shall be clearly and conspicuously posted at the point of entry and
20 the point of sale for in-person transactions and the home page and
21 the point-of-sale webpage for online transactions. Notice,
22 including all required information, shall be verbally disclosed to
23 the customer for transactions processed over the phone; and
24

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

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

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

23 ~~C.~~ D. Any seller subject to the provisions of subsection ~~B~~ C of
24 this section shall either conduct business at a location in this

1 state or comply with the provisions of Section 1022 of Title 18 of
2 the Oklahoma Statutes.

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

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

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

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

18 ~~E.~~ F. For purposes of this section, a private educational
19 institution as defined in paragraph (e) of Section 3102 of Title 70
20 of the Oklahoma Statutes, a private school defined as a nonpublic
21 entity conducting an educational program for at least one grade
22 between prekindergarten through twelve, a municipality as defined in
23 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
24 a public trust with a municipality as its beneficiary may charge a

1 service fee. The service fee shall be limited to bank processing
2 fees and financial transaction fees, the cost of providing for
3 secure transaction, portal fees, and fees necessary to compensate
4 for increased bandwidth incurred as a result of providing ~~for an~~
5 ~~online~~ the transaction.

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT
11 OVERSIGHT, dated 04/24/2025 - DO PASS, As Amended and Coauthored.
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