

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2077

By: Frix

AS INTRODUCED

An Act relating to credit cards; amending 14A O.S. 2021, Section 2-211, as amended by Section 1, Chapter 410, O.S.L. 2025 (14A O.S. Supp. 2025, Section 2-211), which relates to discounts inducing payment by cash, check, or similar means; increasing certain surcharge limit; 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, as amended by Section 1, Chapter 410, O.S.L. 2025 (14A O.S. Supp. 2025, 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 a credit card 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 Credit.

1 There shall be no limit on the discount that may be offered by the  
2 seller. Pursuant to the regulations of the Administrator, a seller  
3 who provides a discount not in accordance with regulations shall  
4 disclose such information to the Administrator.

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

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

15 2. No surcharge shall exceed ~~two percent (2%)~~ four percent (4%)  
16 of the total transaction or the actual amount to be charged to the  
17 person or retailer to process the credit card transaction, whichever  
18 is less. A customer shall not be considered to have chosen to use a  
19 credit card as a method of payment under this section if, at the  
20 time of the transaction, the person or retailer accepts only credit  
21 cards as payment.

22 C. A seller who is registered with the United States Department  
23 of the Treasury as a money transmitter pursuant to 31 C.F.R.,  
24 Section 103.41, and who provides an electronic funds transmission

1 service, including service by telephone and the Internet, may charge  
2 a different price for a funds transmission service based on the mode  
3 of transmission used in the transaction without violating this  
4 section so long as the price charged for a service paid for with an  
5 open-end credit card or debit card account is not greater than the  
6 price charged for such service if paid for with currency or other  
7 similar means accepted within the same mode of transmission.

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

12 E. As used in this section:

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

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

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

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

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

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