

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2971

By: Hays

AS INTRODUCED

An Act relating to sales transactions; 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 permissible surcharge amount; changing retailer to seller for clarity; limiting permissible service fee amount charged by private educational institutions and municipalities; defining actual processing costs; requiring maintenance of documentation of actual processing cost; authorizing Attorney General and State Auditor and Inspector to conduct compliance review; 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

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

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

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

19 2. No surcharge shall exceed ~~two percent (2%)~~ four and one-half
20 percent (4.5%) of the total transaction or the actual amount to be
21 charged to the ~~person or retailer~~ seller to process the credit card
22 transaction, whichever is less. A customer shall not be considered
23 to have chosen to use a credit card as a method of payment under
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1 this section if, at the time of the transaction, the ~~person or~~
2 ~~retailer~~ seller accepts only credit cards as payment.

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

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

17 E. As used in this section:

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

23 2. "Seller" means any person, entity, or retailer doing
24 business in this state in any sales, service, or lease transaction

1 including, but not limited to, any consumer credit sales
2 transaction; and

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

7 F. 1. For purposes of this section, a private educational
8 institution as defined in paragraph (e) of Section 3102 of Title 70
9 of the Oklahoma Statutes, a private school defined as a nonpublic
10 entity conducting an educational program for at least one grade
11 between prekindergarten through twelve, a municipality as defined in
12 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
13 a public trust with a municipality as its beneficiary may charge a
14 service fee on a cardholder who elects to pay using a credit card
15 instead of paying by cash, check, debit, or similar means. The
16 service fee shall ~~be limited to bank processing fees and financial~~
17 ~~transaction fees, the cost of providing for secure transaction,~~
18 ~~portal fees, and fees necessary to compensate for increased~~
19 ~~bandwidth incurred as a result of providing the transaction~~ not
20 exceed four and one-half percent (4.5%) of the total transaction or
21 the actual amount to be charged in actual processing costs,
22 whichever is less.

23 2. As used in this subsection, "actual processing costs" means
24 verifiable transaction-specific fees directly imposed by a payment

1 card network, issuing bank, acquiring bank, or contracted payment
2 processor. Actual processing costs shall not include general
3 overhead, personnel costs, unrelated technology expenses, or revenue
4 enhancing markups.

5 3. Any entity charging a service fee pursuant to this
6 subsection shall maintain documentation for at least two (2) years
7 supporting the calculation of actual processing costs and make such
8 documentation available upon request to the Attorney General or
9 State Auditor and Inspector for compliance review.

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

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12 60-2-14161 AQH 12/31/25
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