

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3028

By: Kerbs

6 AS INTRODUCED

7 An Act relating to the Consumer Credit Code; amending  
8 14A O.S. 2021, Section 2-211, as amended by Section  
9 1, Chapter 410, O.S.L. 2025 (14A O.S. Supp. 2025,  
10 Section 2-211), which relates to service fees;  
allowing the Department of Career and Technology  
Education to charge service fees for certain  
transactions; and providing an effective date.

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

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

17 Section 2-211. A. With respect to all sales, service, and  
18 lease transactions including, but not limited to, any consumer  
19 credit sales transaction, a discount which a seller offers, allows,  
20 or otherwise makes available for the purpose of inducing payment by  
21 cash, check, debit card, or similar means rather than by use of a  
22 credit card shall not constitute a credit service charge as  
23 determined under Section 2-109 of this title if the discount is  
24 offered to all prospective buyers clearly and conspicuously in

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

7 |  
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 |  
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 |  
20 | 2. No surcharge shall exceed two percent (2%) of the total  
21 | transaction or the actual amount to be charged to the person or  
22 | retailer to process the credit card transaction, whichever is less.

23 |  
24 | A customer shall not be considered to have chosen to use a credit  
25 | card as a method of payment under this section if, at the time of  
26 | the transaction, the person or retailer accepts only credit cards as  
27 | payment.

28 |  
29 | C. A seller who is registered with the United States Department  
30 | of the Treasury as a money transmitter pursuant to 31 C.F.R.,

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

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

13       E. As used in this section:

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

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

23       3. "Surcharge" means any additional amount imposed by a person,  
24 entity, or retailer at the time of a credit card transaction that

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, the Department of Career and  
8 Technology Education, a municipality as defined in paragraph 5 of  
9 Section 1-102 of Title 11 of the Oklahoma Statutes or a public trust  
10 with a municipality as its beneficiary may charge a service fee.  
11 The service fee shall be limited to bank processing fees and  
12 financial transaction fees, the cost of providing for secure  
13 transaction, portal fees, and fees necessary to compensate for  
14 increased bandwidth incurred as a result of providing the  
15 transaction.

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