

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3041

By: West (Josh)

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 case, check, or similar means; setting the maximum surcharge amount for a credit card; updating references; 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

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

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

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

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

23 C. A seller who is registered with the United States Department
24 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, 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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