

1 ENGROSSED SENATE
2 BILL NO. 351

3 By: Frix of the Senate

4 and

5 Hays of the House

6 An Act relating to credit sales; amending 14A O.S.
7 2021, Sections 2-211 and 2-417, which relate to
8 discounts and surcharges for certain transactions;
9 requiring certain actions from sellers when imposing
a surcharge on certain transactions; modifying
definitions; updating statutory language; and
providing an effective date.

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 14A O.S. 2021, Section 2-211, is
13 amended to read as follows:

14 Section 2-211. A. With respect to all sales transactions, a
15 discount which a seller offers, allows, or otherwise makes available
16 for the purpose of inducing payment by cash, check, or similar means
17 rather than by use of an open-end credit card account or debit card
18 account shall not constitute a credit service charge as determined
19 under Section 2-109 of this title if the discount is offered to all
20 prospective buyers clearly and conspicuously in accordance with
21 regulations of the Administrator of Consumer Affairs Credit. No
22 There shall not be a limit on the discount that may be offered by
23 the seller. Pursuant to the regulations of the Administrator, a
24

1 seller who provides a discount not in accordance with regulations
2 shall disclose such information to the Administrator.

3 B. A seller in any sales transaction may pass on the processing
4 fee or impose a surcharge on a cardholder who elects to pay using an
5 open-end credit card or debit card account instead of paying by
6 cash, check, or similar means. There is no limit on the discount
7 which may be offered by the seller. A seller who provides a
8 discount otherwise than in accordance with the regulations of the
9 Administrator must make the disclosures required by those
10 regulations If a seller elects to pass on the credit card or debit
11 card processing fee, or impose a surcharge for the use of an open-
12 end credit card or debit card account, the charged amount shall:

13 1. Be listed as separate line items in the cardholder's
14 receipt; and

15 2. Not exceed the total of the bank processing fees, financial
16 transaction fees, the cost of providing for secure transaction,
17 portal fees, and fees necessary to compensate for increased
18 bandwidth incurred as a result of providing the transaction.

19 B. C. A seller who is registered with the United States
20 Treasury Department of the Treasury as a money transmitter pursuant
21 to 31 CFR C.F.R., Section 103.41, and who provides an electronic
22 funds transmission service, including service by telephone and the
23 Internet, may charge a different price for a funds transmission
24 service based on the mode of transmission used in the transaction

1 without violating this section so long as the price charged for a
2 service paid for with an open-end credit card or debit card account
3 is not greater than the price charged for such service if paid for
4 with currency or other similar means accepted within the same mode
5 of transmission.

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

10 D. E. As used in this section, "debit:

11 1. "Debit card" means any instrument or device, whether known
12 as a debit card or by any other name, issued with or without fee by
13 an issuer for the use of the cardholder in depositing, obtaining, or
14 transferring funds from a consumer banking electronic facility; and

15 2. "Surcharge" means any means of increasing the regular or
16 advertised price to a cardholder, which is not imposed upon
17 customers paying by cash, check, or similar means.

18 E. 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 transaction.

6 SECTION 2. AMENDATORY 14A O.S. 2021, Section 2-417, is
7 amended to read as follows:

8 Section 2-417. A. ~~No seller in any sales transaction may~~
9 ~~impose a surcharge on a cardholder who elects to use a credit card~~
10 ~~or debit card in lieu of payment by cash, check or similar means~~ A
11 seller in any sales transaction may pass on the processing fee or
12 impose a surcharge on a cardholder who elects to pay using an open-
13 end credit card or debit card account instead of paying by cash,
14 check, or similar means. If a seller elects to pass on the credit
15 card or debit card processing fee, or impose a surcharge for the use
16 of an open-end credit card or debit card account, the charged amount
17 shall:

18 1. Be listed as a separate line item on the cardholder's
19 receipt; and

20 2. Not exceed the total of the bank processing fees, financial
21 transaction fees, the cost of providing for secure transaction,
22 portal fees, and fees necessary to compensate for increased
23 bandwidth incurred as a result of providing the transaction.

24 B. As used in this section, "debit:

1 1. "Debit card" means any instrument or device, whether known
2 as a debit card or by any other name, issued with or without fee by
3 an issuer for the use of the cardholder in depositing, obtaining, or
4 transferring funds from a consumer banking electronic facility; and
5 2. "Surcharge" means any means of increasing the regular or
6 advertised price to a cardholder, which is not imposed upon
7 customers paying by cash, check, or similar means.

8 C. ~~For purposes of this section, a private educational~~
9 ~~institution as defined in paragraph (c) of Section 3102 of Title 70~~
10 ~~of the Oklahoma Statutes, a private school defined as a nonpublic~~
11 ~~entity conducting an educational program for at least one grade~~
12 ~~between prekindergarten through twelve, a municipality as defined in~~
13 ~~paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or~~
14 ~~a public trust with a municipality as its beneficiary may charge a~~
15 ~~service fee. The service fee may be applied to online or in-person~~
16 ~~transactions and shall be used to offset bank processing fees,~~
17 ~~financial transaction fees, the cost of providing for secure~~
18 ~~transaction, portal fees, and fees necessary to compensate for~~
19 ~~increased bandwidth incurred as a result of providing the~~
20 ~~transaction.~~

21 SECTION 3. This act shall become effective November 1, 2025.
22
23
24

Passed the Senate the 13th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the _____ day of _____,
2025.

Presiding Officer of the House
of Representatives