

1 ENGROSSED HOUSE AMENDMENT

2 TO

2 ENGROSSED SENATE BILL NO. 677

By: Kern and Bullard of the
Senate

3 and

4 Gise of the House

5

6

7 An Act relating to sales transactions; repealing 14A
8 O.S. 2021, Section 2-417, which relates to surcharge
9 for use of credit card or debit card; and providing
10 an effective date.

11

12

13 AUTHORS: Add the following Senate Coauthors: Frix

14 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
15 and insert:

16

17 "An Act relating to sales transactions; amending 14A
18 O.S. 2021, Section 2-211, which relates to discounts
19 inducing payment by cash, check, or similar means;
20 increasing options for discount; authorizing no limit
21 on amount of discount; requiring certain disclosure
22 for sellers offering certain discount; clarifying use
23 of surcharges; requiring certain notice for
24 surcharges; limiting amount of surcharge; updating
language; defining credit card; defining seller;
defining surcharge; repealing 14A O.S. 2021, Section
2-417, which relates to surcharge for use of credit
card or debit card; and providing an effective date.

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

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

4 Section 2-211. A. With respect to all sales, service, and lease
5 transactions including, but not limited to, any consumer credit
6 sales transaction, a discount which a seller offers, allows, or
7 otherwise makes available for the purpose of inducing payment by
8 cash, check, debit card, or similar means rather than by use of an
9 open-end a credit card account shall not constitute a credit service
10 charge as determined under Section 2-109 of this title if the
11 discount is offered to all prospective buyers clearly and
12 conspicuously in accordance with regulations of the Administrator of
13 Consumer Affairs Credit. There shall be no limit on the discount
14 that may be offered by the seller. Pursuant to the regulations of
15 the Administrator, a seller who provides a discount not in
16 accordance with regulations shall disclose such information to the
17 Administrator.

18 B. No seller in any sales transaction may impose a surcharge on
19 a cardholder who elects an open-end to pay using a credit card or
20 debit card account instead of paying by cash, check, debit card, or
21 similar means unless the seller complies with the following
22 requirements:

1 1. Notice displaying the amount of the surcharge applicable
2 shall be clearly and conspicuously posted at the point of entry and
3 the point of sale for in-person transactions and the home page and
4 the point-of-sale webpage for online transactions. Notice,
5 including all required information, shall be verbally disclosed to
6 the customer for transactions processed over the phone; and

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

10 A customer shall not be considered to have chosen to use a credit
11 card as a method of payment under this section if, at the time of
12 the transaction, the person or retailer accepts only credit cards as
13 payment.

14 There is no limit on the discount which may be offered by the
15 seller. A seller who provides a discount otherwise than in
16 accordance with the regulations of the Administrator must make the
17 disclosures required by those regulations.

18 B. C. A seller who is registered with the United States
19 Treasury Department of the Treasury as a money transmitter pursuant
20 to 31 CFR C.F.R., Section 103.41, and who provides an electronic
21 funds transmission service, including service by telephone and the
22 Internet, may charge a different price for a funds transmission
23 service based on the mode of transmission used in the transaction
24 without violating this section so long as the price charged for a

1 service paid for with an open-end credit card or debit card account
2 is not greater than the price charged for such service if paid for
3 with currency or other similar means accepted within the same mode
4 of transmission.

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

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

10 1. "Credit card" means any instrument or device, whether known
11 as a debit credit card, credit plate, charge card, or by any other
12 name, issued with or without fee by an issuer for the use of the
13 cardholder in depositing, obtaining or transferring funds from a
14 consumer banking electronic facility money, goods or services, or
15 anything of value on credit;

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

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

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

13 SECTION 2. REPEALER 14A O.S. 2021, Section 2-417, is
14 hereby repealed.

15 SECTION 3. This act shall become effective November 1, 2025."

Passed the House of Representatives the 6th day of May, 2025.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2025.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 677

By: Kern and Bullard of the
Senate

3 and

4 Gise of the House

5
6 An Act relating to sales transactions; repealing 14A
7 O.S. 2021, Section 2-417, which relates to surcharge
for use of credit card or debit card; and providing
an effective date.

8
9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. REPEALER 14A O.S. 2021, Section 2-417, is
12 hereby repealed.

13 SECTION 5. This act shall become effective November 1, 2025.

14 Passed the Senate the 11th day of March, 2025.

15
16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2025.

20
21 _____
22 Presiding Officer of the House
of Representatives