

1 AN ACT

2 RELATING TO TRANSACTION FEES; ALLOWING STATE AGENCIES AND  
3 LOCAL GOVERNING BODIES TO CHARGE A FEE TO COVER THE COST OF  
4 PROCESSING A CREDIT CARD OR ELECTRONIC TRANSFER TRANSACTION.  
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6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 6-10-1.2 NMSA 1978 (being Laws 1999,  
8 Chapter 176, Section 1, as amended) is amended to read:

9 "6-10-1.2. PAYMENT METHODS AUTHORIZED--FEE.--

10 A. A state agency or local governing body may  
11 accept payment by credit card or electronic means of any  
12 amount due under any law or program administered by the  
13 agency or local governing body. The state board of finance  
14 shall adopt rules on the terms and conditions of a state  
15 agency accepting payments by credit card or electronic  
16 transfer. The local governing body shall adopt procedures,  
17 subject to the approval of the department, on the terms and  
18 conditions of accepting payments by credit card or electronic  
19 transfer.

20 B. A state agency or local governing body may  
21 charge a convenience fee to cover the exact fees imposed by  
22 the financial institution for the cost of processing a  
23 credit card or electronic transfer transaction. The fee shall  
24 be charged to the person using a credit card or electronic  
25 transfer. Amounts collected pursuant to this subsection are

1 appropriated to the state agency or local governing body to

2 defray the cost of processing the transaction."

SB 77

Page 2

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