

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 331** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 28; following line 28, by inserting:

"New Section 1. (a) No person or retailer doing business in Kansas in any sales, service or lease transaction with a consumer may impose a surcharge on a consumer who elects to use a credit card as payment unless such person or retailer complies with the following requirements:

(1) A notice shall be posted that explains the imposition of the surcharge, the amount of the surcharge and which credit cards are subject to the surcharge;

(2) such notice shall be clearly and conspicuously posted at the point of entry and the point of sale;

(3) if the sales, service or lease transaction is processed through a website or mobile device, the person or retailer shall post such notice on the home page and the point of sale webpage; and

(4) the notice required by this section shall be prominently and conspicuously posted at the required locations in a minimum size of 16-point font.

(b) All entities accepting credit cards for payment shall be subject to the notice requirements of subsection (a). No such entity may impose a surcharge on a person or card holder who elects to use a credit card as payment unless such entity complies with such requirements.

Sec. 2. K.S.A. 2021 Supp. 12-16,125 is hereby amended to read as follows: 12-16,125.

A city may accept credit or debit cards for the payment of taxes, utility fees or other exactions. The city may establish the type of credit or debit card the city will accept. The city may set a fee to be added to each credit card transaction equal to the charge paid by the city for the use of the credit card by the person. If the city imposes a fee for payments made by credit card, the city shall provide notice of such fee to the person making payment by credit card.

~~Any transaction involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

Sec. 3. K.S.A. 2021 Supp. 19-122 is hereby amended to read as follows: 19-122. (a) Any county may accept credit or debit cards for the payment of any taxes, utility fees or other exactions. The county may establish the type of credit or debit card the county will accept. The county may set a fee to be added to each credit card transaction equal to the charge paid by the county for the use of the credit card by the person. If the county imposes a fee for payments made by credit card, the county shall provide notice of such fee to the person making payment by credit card.

~~(b) Any transaction involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

Sec. 4. K.S.A. 72-1176 is hereby amended to read as follows: 72-1176. The board of education of any school district, pursuant to a policy developed and adopted by the board, may provide for the acceptance of payment in the form of a credit or debit card of fees, tuition or other charges imposed by the school district. The policy may provide for imposition of an additional fee to recover the actual amount of any costs incurred by the school district by reason of the method of payment used. The policy also may provide for establishment by the school district of secure internet sockets that will allow payment by a credit or debit card via the internet. ~~Any transactions involving payment by credit card pursuant to this section shall not be~~

subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.

Sec. 5. K.S.A. 2021 Supp. 75-30,100 is hereby amended to read as follows: 75-30,100.

(a) Any state agency that imposes or collects fees, tuition or other charges shall accept payment thereof in the form of a personal, certified or cashier's check or money order. A state agency may accept payment by credit card, debit card or other method designated by the agency. A state agency may impose an additional fee to recover the actual amount of any cost incurred by reason of the method of payment used by the payee.

(b) In addition to the methods specified in subsection (a), after June 30, 2001, a state agency shall accept payment of fees, tuition or other charges in the form of a credit card or debit card.

~~(c) Any transactions involving payment by credit card or debit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

~~(d) The provisions of this section shall not apply to any fees, fines or charges imposed by the secretary of corrections on offenders under the jurisdiction of the secretary of corrections or juvenile offenders placed in juvenile correctional facilities under the jurisdiction of the secretary of corrections.~~

~~(e) Any municipal university, community college, technical college or vocational educational school, as defined by K.S.A. 74-3201b, and amendments thereto, or not-for-profit private postsecondary educational institution that was granted approval to confer academic or honorary degrees by the Kansas state board of education under the provisions of K.S.A. 17-6105, prior to its repeal, or is otherwise exempt from the Kansas private and out-of-state postsecondary educational institution act pursuant to K.S.A. 74-32,164, and amendments thereto, accepting payment of fees, tuition or other charges in the form of a credit card or debit card shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.";~~

Also on page 2, in line 29, by striking "40-2c01 is" and inserting "72-1176 and K.S.A. 2021 Supp. 12-16,125, 16a-2-403, 19-122 and 75-30,100 are"; in line 31, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "financial institutions; relating to payments made with credit and debit cards; eliminating the prohibition of a surcharge for use of such cards; requiring notice of surcharge for use of credit cards; amending K.S.A. 72-1176 and K.S.A. 2021 Supp. 12-16,125, 19-122 and 75-30,100 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 16a-2-403";

And your committee on conference recommends the adoption of this report.

\_\_\_\_\_

\_\_\_\_\_

Conferees on part of House

\_\_\_\_\_

\_\_\_\_\_

Conferees on part of Senate