

**SENATE BILL No. 104**

By Committee on Financial Institutions and Insurance

1-26

1 AN ACT concerning financial institutions; relating to payments made with  
2 credit and debit cards; allowing a surcharge for use of such cards;  
3 amending K.S.A. 12-16,125 and 72-1176 and K.S.A. 2022 Supp. 19-  
4 122 and 75-30,100 and repealing the existing sections; also repealing  
5 K.S.A. 2022 Supp. 16a-2-403.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 12-16,125 is hereby amended to read as follows:  
9 12-16,125. A city may accept credit or debit cards for the payment of  
10 taxes, utility fees or other exactions. The city may establish the type of  
11 credit or debit card the city will accept. The city may set a fee to be added  
12 to each credit card transaction equal to the charge paid by the city for the  
13 use of the credit card by the person. If the city imposes a fee for payments  
14 made by credit card, the city shall provide notice of such fee to the person  
15 making payment by credit card.

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

19 Sec. 2. K.S.A. 2022 Supp. 19-122 is hereby amended to read as  
20 follows: 19-122. (a) Any county may accept credit or debit cards for the  
21 payment of any taxes, utility fees or other exactions. The county may  
22 establish the type of credit or debit card the county will accept. The county  
23 may set a fee to be added to each credit card transaction equal to the  
24 charge paid by the county for the use of the credit card by the person. If  
25 the county imposes a fee for payments made by credit card, the county  
26 shall provide notice of such fee to the person making payment by credit  
27 card.

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

31 Sec. 3. K.S.A. 72-1176 is hereby amended to read as follows: 72-  
32 1176. The board of education of any school district, pursuant to a policy  
33 developed and adopted by the board, may provide for the acceptance of  
34 payment in the form of a credit or debit card of fees, tuition or other  
35 charges imposed by the school district. The policy may provide for  
36 imposition of an additional fee to recover the actual amount of any costs

1 incurred by the school district by reason of the method of payment used.  
2 The policy also may provide for establishment by the school district of  
3 secure internet sockets that will allow payment by a credit or debit card via  
4 the internet. ~~Any transactions involving payment by credit card pursuant to~~  
5 ~~this section shall not be subject to the provisions of K.S.A. 16a-2-403, and~~  
6 ~~amendments thereto.~~

7 Sec. 4. K.S.A. 2022 Supp. 75-30,100 is hereby amended to read as  
8 follows: 75-30,100. (a) Any state agency that imposes or collects fees,  
9 tuition or other charges shall accept payment thereof in the form of a  
10 personal, certified or cashier's check or money order. A state agency may  
11 accept payment by credit card, debit card or other method designated by  
12 the agency. A state agency may impose an additional fee to recover the  
13 actual amount of any cost incurred by reason of the method of payment  
14 used by the payee.

15 (b) In addition to the methods specified in subsection (a), ~~after June~~  
16 ~~30, 2001,~~ a state agency shall accept payment of fees, tuition or other  
17 charges in the form of a credit card or debit card.

18 ~~(c) Any transactions involving payment by credit card or debit card~~  
19 ~~pursuant to this section shall not be subject to the provisions of K.S.A.~~  
20 ~~16a-2-403, and amendments thereto.~~

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

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

36 Sec. 5. K.S.A. 12-16,125 and 72-1176 and K.S.A. 2022 Supp. 16a-2-  
37 403, 19-122 and 75-30,100 are hereby repealed.

38 Sec. 6. This act shall take effect and be in force from and after its  
39 publication in the statute book.