

# An Act

ENROLLED HOUSE  
BILL NO. 1425

By: Loring of the House

and

Montgomery of the Senate

An Act relating to fees; amending 14A O.S. 2011, Section 2-417, as last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp. 2018, Section 2-417), which relates to surcharges for use of credit or debit cards; providing for certain fees for online transactions; amending 28 O.S. 2011, Section 151, which relates to the collection of fees, fines, costs and assessments; exempting certain courts from certain collection requirements; and providing an effective date.

SUBJECT: Fees

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

SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-417, as last amended by Section 2, Chapter 31, O.S.L. 2017 (14A O.S. Supp. 2018, Section 2-417), is amended to read as follows:

Section 2-417. A. No seller in any sales transaction may impose a surcharge on a cardholder who elects to use a credit card or debit card in lieu of payment by cash, check or similar means.

B. As used in this section, "debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility.

C. For purposes of this section, a private educational institution as defined in paragraph (e) of Section 3102 of Title 70 of the Oklahoma Statutes, a private school defined as a nonpublic entity conducting an educational program for at least one grade

between prekindergarten through twelve, a municipality as defined in paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or a public trust with a municipality as its beneficiary may charge a service fee. The service fee may be applied to online or in-person transactions and shall be limited to used to offset bank processing fees and, financial transaction fees, the cost of providing for secure transaction, portal fees, and fees necessary to compensate for increased bandwidth incurred as a result of providing ~~for an~~ online the transaction.

SECTION 2. AMENDATORY 28 O.S. 2011, Section 151, is amended to read as follows:

Section 151. A. It shall be the duty of the clerks of the district court and other trial courts of record of this state to charge and collect the fees imposed by this title and other fees, assessments and payments as imposed by the Oklahoma Statutes, fines, costs and assessments imposed by the district courts or appellate courts, and none others, in all cases, except those in which the defendant is charged with a misdemeanor or traffic violation, and except cases under the Small Claims Procedure Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes. This section shall not apply to municipal courts not of record in this state.

B. 1. As authorized by the Administrative Office of the Courts, the court clerk may accept a nationally recognized credit or debit card or other electronic payment method for any lawful purpose, including, but not limited to, payment for any fee, fine, forfeiture payment, cost, penalty assessment or other charge or collection to be assessed or collected by the court clerk under the laws of this state. The court clerk shall not collect a fee for the acceptance of the nationally recognized credit or debit card. Prior to the distribution of any fees provided for by law, the court clerk shall apportion on a pro rata basis the costs associated with the administration, acceptance, processing, and verification of the credit card or debit card among all state, municipal or other government entities or funds that are entitled by law to receive any payments from the court clerk from any fee, fine, forfeiture payment, cost, penalty assessment or other collection. All credit and debit card costs shall be deducted from the fees, fines, forfeiture payments, costs, penalty assessments or other collections before transmittal is made to state, municipal or government entities or funds pursuant to the provisions of any law of this state that direct a court clerk to pay any amount or any portion of any fee, fine, forfeiture payment, cost, penalty assessment, or

other collection to another state, municipal, or other government entity or fund. Each state, municipal, or other government entity or fund entitled to payment shall then receive only its statutory share less its prorated share of the credit or debit card costs. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value. "Debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. The Administrative Office of the Courts is authorized to negotiate and organize statewide contracts for the acceptance and processing of credit and debit cards and equipment related thereto.

2. Written procedures for acceptance or rejection of credit cards shall be established by the Office of the State Auditor and Inspector with approval and direction to court clerks to be issued by the Administrative Office of the Courts.

C. Payment for any fee provided for in this title may be made by a personal or business check. The court clerk, at the court clerk's discretion, may:

1. Add an amount equal to the amount of the service charge incurred, not to exceed three percent (3%) of the amount of the check as a service charge for the acceptance and verification of the check; or

2. Add an amount of no more than Five Dollars (\$5.00) as a service charge for the acceptance and verification of a check. For purposes of this subsection, "personal or business check" shall not mean a money order, cashier's check, or bank certified check.

D. The Supreme Court is authorized to institute a cost collection program for collection of fees, fines, costs and assessments provided for in this title.

SECTION 3. This act shall become effective November 1, 2019.

Passed the House of Representatives the 6th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2019.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_