

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1633

By: Staires, Boles, and Maynard
of the House

6 and

7 Bergstrom of the Senate

8
9 COMMITTEE SUBSTITUTE

10 [legal tender - acceptance of cash as legal tender -
11 penalties and enforcement - codification - effective
12 date]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3001 of Title 25, unless there
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Cash Protection
19 Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3002 of Title 25, unless there
22 is created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Agency" shall mean any governmental entity;

1 2. "Cash" shall mean United States currency in the form of
2 coins or notes;

3 3. "Central bank digital currency" shall mean a digital version
4 of governmental currency backed by a central bank and tied to a
5 country's national currency;

6 4. "Regular business hours" shall mean the regular hours a
7 business is open to the public to conduct business transactions; and

8 5. "Businesses providing basic needs" shall mean a business
9 open to and engaged with the general public for the sale of basic
10 life necessary goods or services limited to:

11 a. grocery stores that sell food or water,

12 b. utility companies including electric companies, water
13 companies, natural gas companies, propane companies,
14 and sewage companies,

15 c. pharmacies that provide medicines,

16 d. insurance companies which sell auto, life, health, and
17 property and casualty insurance, and

18 e. medical facilities that received medical fees, copays,
19 or deductibles.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3003 of Title 25, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Businesses providing basic needs selling or offering for
24 sale goods or services during regular business hours shall not

1 require a buyer to pay using credit cards nor a central bank digital
2 currency nor prohibit the use of cash, cashier's checks, or money
3 orders as payment in order to purchase the goods or services.
4 Businesses providing basic needs selling or offering for sale goods
5 or services during regular business hours shall accept cash,
6 cashier's checks, or money orders as legal tender when offered by
7 the buyer as payment and shall not charge a penalty for use of cash,
8 cashier's checks, or money orders.

9 B. An agency shall not require any citizen of this state in
10 conducting transactions with the agency to pay using credit cards
11 nor a central bank digital currency and shall not prohibit cash,
12 cashier's checks, or money orders as payment in order to conduct
13 transactions with the agency. An agency shall accept cash,
14 cashier's checks, or money orders as legal tender when offered and
15 shall not charge a penalty for use of cash, cashier's checks, or
16 money orders.

17 C. The provisions of this act shall not apply to a food store
18 or retail establishment that provides a device on premises that
19 converts cash, without charging a fee or requiring a minimum deposit
20 amount greater than Five Dollars (\$5.00), into a prepaid card that
21 allows a consumer to complete a transaction at the food store or
22 retail establishment.

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1 1. Upon request, such device shall provide each consumer with a
2 receipt indicating the amount of cash the consumer deposited onto
3 the prepaid card.

4 2. Cash deposits onto a prepaid card shall not be subject to an
5 expiration date and there shall be no limit on the number of
6 transactions that may be completed on the prepaid card.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3004 of Title 25, unless there
9 is created a duplication in numbering, reads as follows:

10 Any person, entity, or agency in violation of this act shall be
11 subject to a warning for a first violation. A second violation
12 shall be punished by a fine not to exceed One Thousand Dollars
13 (\$1,000.00). A third violation shall be punished by a fine not to
14 exceed Two Thousand Five Hundred Dollars (\$2,500.00). A fourth or
15 subsequent violation shall be punished by a fine not to exceed Five
16 Thousand Dollars (\$5,000.00). The penalties in this section shall
17 be enforced by the Office of the Attorney General. Fines collected
18 by the Office of the Attorney General shall be deposited in the
19 General Revenue Fund of the State Treasury.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3005 of Title 25, unless there
22 is created a duplication in numbering, reads as follows:

23 The provisions of this act shall not apply to online or over-
24 the-phone transactions, parking lots, wholesale, or membership-based

1 retail stores, and goods sold exclusively through a membership model
2 that requires payment by means of an affiliated mobile device
3 application.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3006 of Title 25, unless there
6 is created a duplication in numbering, reads as follows:

7 The provisions of Sections 3 and 4 of this act shall not become
8 effective until such time as a central bank digital currency is
9 adopted.

10 SECTION 7. This act shall become effective November 1, 2023.

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