

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3025

                                  By: Worthen

7                                   AS INTRODUCED

8                   An Act relating to fees; amending 28 O.S. 2021,  
9                   Section 151, which relates to clerk's duty to charge  
10                  and collect fees; clarifying clerk's duty; providing  
                    procedure for payment with United States currency;  
                    and providing an effective date.

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

14           SECTION 1.        AMENDATORY        28 O.S. 2021, Section 151, is  
15   amended to read as follows:

16           Section 151. A. It shall be the duty of the clerks of the  
17   district court and other trial courts of record of this state to  
18   charge and collect the fees imposed by this title and other fin  
19   costs, fees, assessments and payments as imposed by the Oklahoma  
20   Statutes, ~~fin~~, ~~costs~~ and ~~assessments~~ imposed by the district  
21   courts or appellate courts, and none others, ~~in all cases, except~~  
22   ~~those in which the defendant is charged with a misdemeanor or~~  
23   ~~traffic violation, and except cases under the Small Claims Procedure~~  
24   ~~Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes.~~

1 This section shall not apply to municipal courts not of record in  
2 this state. When receiving payment in the form of United States  
3 currency, the court clerk shall not be required to accept payment  
4 which consists of unrolled coins in an amount greater than Ten  
5 Dollars (\$10.00), and may require loose coins in excess of that  
6 amount be counted and rolled by the payor before accepted as  
7 payment.

8 B. 1. As authorized by the Administrative Office of the  
9 Courts, the court clerk may accept a nationally recognized credit or  
10 debit card or other electronic payment method for any lawful  
11 purpose, including, but not limited to, payment for any fee, fine,  
12 forfeiture payment, cost, penalty assessment or other charge or  
13 collection to be assessed or collected by the court clerk under the  
14 laws of this state. The court clerk shall not collect a fee for the  
15 acceptance of the nationally recognized credit or debit card. Prior  
16 to the distribution of any fees provided for by law, the court clerk  
17 shall apportion on a pro rata basis the costs associated with the  
18 administration, acceptance, processing, and verification of the  
19 credit card or debit card among all state, municipal or other  
20 government entities or funds that are entitled by law to receive any  
21 payments from the court clerk from any fee, fine, forfeiture  
22 payment, cost, penalty assessment or other collection. All credit  
23 and debit card costs shall be deducted from the fees, fines,  
24 forfeiture payments, costs, penalty assessments or other collections

1 before transmittal is made to state, municipal or government  
2 entities or funds pursuant to the provisions of any law of this  
3 state that direct a court clerk to pay any amount or any portion of  
4 any fee, fine, forfeiture payment, cost, penalty assessment, or  
5 other collection to another state, municipal, or other government  
6 entity or fund. Each state, municipal, or other government entity  
7 or fund entitled to payment shall then receive only its statutory  
8 share less its prorated share of the credit or debit card costs.  
9 For purposes of this subsection, "nationally recognized credit card"  
10 means any instrument or device, whether known as a credit card,  
11 credit plate, charge plate, or by any other name, issued with or  
12 without fee by an issuer for the use of the cardholder in obtaining  
13 goods, services, or anything else of value. "Debit card" means an  
14 identification card or device issued to a person by a business  
15 organization which permits such person to obtain access to or  
16 activate a consumer banking electronic facility. The Administrative  
17 Office of the Courts is authorized to negotiate and organize  
18 statewide contracts for the acceptance and processing of credit and  
19 debit cards and equipment related thereto.

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

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

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

8 2. Add an amount of no more than Five Dollars (\$5.00) as a  
9 service charge for the acceptance and verification of a check.

10 For purposes of this subsection, "personal or business check"  
11 shall not mean a money order, cashier's check, or bank certified  
12 check.

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

16 SECTION 2. This act shall become effective November 1, 2022.

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18 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
19 dated 02/15/2022 - DO PASS.

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