

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1037

By: Kidd

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 2021, Section 151, which relates to collection of fees, fines, costs, and assessments; removing certain exception; modifying requirements for acceptance of certain payments; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2021, 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 fines, costs, 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

1 this state. When receiving payment in the form of United States
2 currency, the court clerk shall not be required to accept payment
3 that consists of unrolled coins in an amount greater than Ten
4 Dollars (\$10.00).

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

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

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

21 C. Payment for any fee provided for in this title may be made
22 by a personal or business check. The court clerk, at the court
23 clerk's discretion, may:
24

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

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

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

12 SECTION 2. This act shall become effective November 1, 2023.

13
14 59-1-682 TEK 1/19/2023 12:52:01 PM
15
16
17
18
19
20
21
22
23
24
25