

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 351

By: Frix

AS INTRODUCED

An Act relating to credit sales; amending 14A O.S. 2021, Sections 2-211 and 2-417, which relate to discounts and surcharges for certain transactions; prohibiting sellers from imposing a surcharge on certain transactions; defining term; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 14A O.S. 2021, Section 2-211, is amended to read as follows:

Section 2-211. A. With respect to all sales transactions, a discount which a seller offers, allows, or otherwise makes available for the purpose of inducing payment by cash, check, or similar means rather than by use of an open-end credit card account or debit card account shall not constitute a credit service charge as determined under Section 2-109 of this title if the discount is offered to all prospective buyers clearly and conspicuously in accordance with regulations of the Administrator of Consumer ~~Affairs~~ Credit. No seller in any sales transaction ~~may~~ shall impose a surcharge on a cardholder who elects an open-end credit card or debit card account

1 instead of paying by cash, check, or similar means. There is no
2 limit on the discount which may be offered by the seller. A seller
3 who provides a discount otherwise than in accordance with the
4 regulations of the Administrator ~~must~~ shall make the disclosures
5 required by those regulations.

6 B. A seller who is registered with the United States ~~Treasury~~
7 Department of the Treasury as a money transmitter pursuant to 31 ~~CFR~~
8 C.F.R., Section 103.41, and who provides an electronic funds
9 transmission service, including service by telephone and the
10 Internet, may charge a different price for a funds transmission
11 service based on the mode of transmission used in the transaction
12 without violating this section so long as the price charged for a
13 service paid for with an open-end credit card or debit card account
14 is not greater than the price charged for such service if paid for
15 with currency or other similar means accepted within the same mode
16 of transmission.

17 C. Any seller subject to the provisions of subsection B of this
18 section shall either conduct business at a location in this state or
19 comply with the provisions of Section 1022 of Title 18 of the
20 Oklahoma Statutes.

21 D. As used in this section, ~~"debit:~~ "debit:

22 1. "Debit card" means any instrument or device, whether known
23 as a debit card or by any other name, issued with or without fee by
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1 an issuer for the use of the cardholder in depositing, obtaining, or
2 transferring funds from a consumer banking electronic facility; and

3 2. "Surcharge" means any means of increasing the regular price
4 to a cardholder, which is not imposed upon customers paying by cash,
5 check, or similar means.

6 E. For purposes of this section, a private educational
7 institution as defined in paragraph (e) of Section 3102 of Title 70
8 of the Oklahoma Statutes, a private school defined as a nonpublic
9 entity conducting an educational program for at least one grade
10 between prekindergarten through twelve, a municipality as defined in
11 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
12 a public trust with a municipality as its beneficiary may charge a
13 service fee. The service fee shall be limited to bank processing
14 fees and financial transaction fees, the cost of providing for
15 secure transaction, portal fees, and fees necessary to compensate
16 for increased bandwidth incurred as a result of providing for an
17 online transaction.

18 SECTION 2. AMENDATORY 14A O.S. 2021, Section 2-417, is
19 amended to read as follows:

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

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

5 2. "Surcharge" means any means of increasing the regular price
6 to a cardholder, which is not imposed upon customers paying by cash,
7 check, or similar means.

8 C. For purposes of this section, a private educational
9 institution as defined in paragraph (e) of Section 3102 of Title 70
10 of the Oklahoma Statutes, a private school defined as a nonpublic
11 entity conducting an educational program for at least one grade
12 between prekindergarten through twelve, a municipality as defined in
13 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
14 a public trust with a municipality as its beneficiary may charge a
15 service fee. The service fee may be applied to online or in-person
16 transactions and shall be used to offset bank processing fees,
17 financial transaction fees, the cost of providing for secure
18 transaction, portal fees, and fees necessary to compensate for
19 increased bandwidth incurred as a result of providing the
20 transaction.

21 SECTION 3. This act shall become effective November 1, 2025.

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