

CHAPTER 64

SENATE BILL No. 410

AN ACT concerning electronic payments; amending K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 16a-2-403 is hereby amended to read as follows: 16a-2-403. No seller or lessor in any sales or lease transaction or any credit *or debit* card issuer may impose a surcharge on a card holder who elects to use a credit *or debit* card in lieu of payment by cash, check or similar means. A surcharge is any additional amount imposed at the time of the sales or lease transaction by the merchant, seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit *or debit* card.

Sec. 2. K.S.A. 2009 Supp. 75-30,100 is hereby amended to read as follows: 75-30,100. (a) Any state agency which imposes or collects fees, tuition or other charges shall accept payment thereof in the form of a personal, certified or cashier's check or money order. A state agency may accept payment by credit card, *debit card* or other method designated by the agency. A state agency may impose an additional fee to recover the actual amount of any cost incurred by reason of the method of payment used by the payee.

(b) In addition to the methods specified in subsection (a), after June 30, 2001, a state agency shall accept payment of fees, tuition or other charges in the form of a credit card *or debit card*.

(c) Any transactions involving payment by credit card *or debit card* pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.

(d) The provisions of this section shall not apply to any fees, fines or charges imposed by the secretary of corrections or the commissioner of juvenile justice on offenders under the jurisdiction of the secretary of corrections or juvenile offenders placed in juvenile correctional facilities under the jurisdiction of the commissioner of juvenile justice.

(e) Any municipal university, community college, technical college, or vocational educational school, having the meanings respectively ascribed thereto by K.S.A. 74-3201b, and amendments thereto, accepting payment of fees, tuition or other charges in the form of a credit card *or debit card* shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.

Sec. 3. K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 6, 2010.

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