

SENATE BILL No. 104

By Committee on Financial Institutions and Insurance

1-26

Proposed Amendment to SB 104  
Prepared for Senate Committee on Financial Institutions and Insurance  
By Eileen Ma, Office of Revisor of Statutes  
February 15, 2023

1 AN ACT concerning financial institutions; relating to payments made with  
2 credit and debit cards; allowing a surcharge for use of such cards;  
3 amending K.S.A. 12-16,125 and 72-1176 and K.S.A. 2022 Supp. 19-  
4 122 and 75-30,100 and repealing the existing sections; also repealing  
5 K.S.A. 2022 Supp. 16a-2-403.

requiring notification to consumers of such surcharge;

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

7 Section 1. K.S.A. 12-16,125 is hereby amended to read as follows:  
8 12-16,125. A city may accept credit or debit cards for the payment of  
9 taxes, utility fees or other exactions. The city may establish the type of  
10 credit or debit card the city will accept. The city may set a fee to be added  
11 to each credit card transaction equal to the charge paid by the city for the  
12 use of the credit card by the person. If the city imposes a fee for payments  
13 made by credit card, the city shall provide notice of such fee to the person  
14 making payment by credit card.

15 ~~Any transaction involving payment by credit card pursuant to this~~  
16 ~~section shall not be subject to the provisions of K.S.A. 16a-2-403, and~~  
17 ~~amendments thereto.~~

18 Section 2. K.S.A. 2022 Supp. 19-122 is hereby amended to read as  
19 follows: 19-122. (a) Any county may accept credit or debit cards for the  
20 payment of any taxes, utility fees or other exactions. The county may  
21 establish the type of credit or debit card the county will accept. The county  
22 may set a fee to be added to each credit card transaction equal to the  
23 charge paid by the county for the use of the credit card by the person. If  
24 the county imposes a fee for payments made by credit card, the county  
25 shall provide notice of such fee to the person making payment by credit  
26 card.

27 (b) ~~Any transaction involving payment by credit card pursuant to this~~  
28 ~~section shall not be subject to the provisions of K.S.A. 16a-2-403, and~~  
29 ~~amendments thereto.~~

30 Section 3. K.S.A. 72-1176 is hereby amended to read as follows: 72-  
31 1176. The board of education of any school district, pursuant to a policy  
32 developed and adopted by the board, may provide for the acceptance of  
33 payment in the form of a credit or debit card of fees, tuition or other  
34 charges imposed by the school district. The policy may provide for  
35 imposition of an additional fee to recover the actual amount of any costs  
36

New Section 1. (a) No person or retailer doing business in Kansas in any sales, service or lease transaction with a consumer may impose a surcharge on a consumer who elects to use a credit card as payment unless such person or retailer complies with the following requirements:  
(1) A notice shall be posted that explains the imposition of the surcharge, the amount of the surcharge and which credit cards are subject to the surcharge;  
(2) such notice shall be clearly and conspicuously posted at the point of entry and the point of sale;  
(3) if the sales, service or lease transaction is processed through a website or mobile device, the person or retailer shall post such notice on the home page and the point of sale webpage; and  
(4) the notice required by this section shall be prominently and conspicuously posted at the required locations in a minimum size of 16-point font.  
(b) All entities accepting credit cards for payment shall be subject to the not requirements of subsection (a). No such entity may impose a surcharge on a person or card holder who elects to use a credit card as payment unless such entity complies with such requirements.

(notice)

Renumber sections accordingly

1 incurred by the school district by reason of the method of payment used.  
2 The policy also may provide for establishment by the school district of  
3 secure internet sockets that will allow payment by a credit or debit card via  
4 the internet. ~~Any transactions involving payment by credit card pursuant to  
5 this section shall not be subject to the provisions of K.S.A. 16a-2-402, and  
6 amendments thereto.~~

7 Sec. 4. K.S.A. 2022 Supp. 75-30,100 is hereby amended to read as  
8 follows: 75-30,100. (a) Any state agency that imposes or collects fees,  
9 tuition or other charges shall accept payment thereof in the form of a  
10 personal, certified or cashier's check or money order. A state agency may  
11 accept payment by credit card, debit card or other method designated by  
12 the agency. A state agency may impose an additional fee to recover the  
13 actual amount of any cost incurred by reason of the method of payment  
14 used by the payee.

15 (b) In addition to the methods specified in subsection (a), ~~after June  
16 30, 2001~~, a state agency shall accept payment of fees, tuition or other  
17 charges in the form of a credit card or debit card.

18 (c) ~~Any transactions involving payment by credit card or debit card  
19 pursuant to this section shall not be subject to the provisions of K.S.A.  
20 16a-2-402, and amendments thereto.~~

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

26 ~~(e) Any municipal university, community college, technical college or  
27 vocational educational school, as defined by K.S.A. 74-3201b, and  
28 amendments thereto, or not-for-profit private postsecondary educational  
29 institution that was granted approval to confer academic or honorary  
30 degrees by the Kansas state board of education under the provisions of  
31 K.S.A. 17-6105, prior to its repeal, or is otherwise exempt from the provisions of  
32 private and out-of-state postsecondary educational institution act pursuant  
33 to K.S.A. 74-3216, and amendments thereto, accepting payment of fees,  
34 tuition or other charges in the form of a credit card or debit card shall not  
35 be subject to the provisions of K.S.A. 16a-2-402, and amendments thereto.~~  
36 Sec. 5. K.S.A. 12-16,125 and 72-1176 and K.S.A. 2022 Supp. 16a-2-  
37 403, 19-122 and 75-30,100 are hereby repealed.

38 Sec. 6. This act shall take effect and be in force from and after its  
39 publication in the statute book.