

HOUSE BILL No. 2316

By Committee on Taxation

2-10

1 AN ACT concerning financial institutions; relating to payments made with
2 credit and debit cards; eliminating the prohibition of a surcharge for
3 use of such cards; amending K.S.A. 72-1176 and 75-30,100 and K.S.A.
4 2020 Supp. 12-16,125 and 19-122 and repealing the existing sections;
5 also repealing K.S.A. 2020 Supp. 16a-2-403.
6

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

8 Section 1. K.S.A. 2020 Supp. 12-16,125 is hereby amended to read as
9 follows: 12-16,125. A city may accept credit or debit cards for the payment
10 of taxes, utility fees or other exactions. The city may establish the type of
11 credit or debit card the city will accept. The city may set a fee to be added
12 to each credit card transaction equal to the charge paid by the city for the
13 use of the credit card by the person. If the city imposes a fee for payments
14 made by credit card, the city shall provide notice of such fee to the person
15 making payment by credit card.

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

19 Sec. 2. K.S.A. 2020 Supp. 19-122 is hereby amended to read as
20 follows: 19-122. (a) Any county may accept credit or debit cards for the
21 payment of any taxes, utility fees or other exactions. The county may
22 establish the type of credit or debit card the county will accept. The county
23 may set a fee to be added to each credit card transaction equal to the
24 charge paid by the county for the use of the credit card by the person. If
25 the county imposes a fee for payments made by credit card, the county
26 shall provide notice of such fee to the person making payment by credit
27 card.

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

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

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-2-403, and~~
6 ~~amendments thereto.~~

7 Sec. 4. K.S.A. 75-30,100 is hereby amended to read as follows: 75-
8 30,100. (a) Any state agency ~~which~~ *that* imposes or collects fees, tuition or
9 other charges shall accept payment thereof in the form of a personal,
10 certified or cashier's check or money order. A state agency may accept
11 payment by credit card, debit card or other method designated by the
12 agency. A state agency may impose an additional fee to recover the actual
13 amount of any cost incurred by reason of the method of payment used by
14 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-2-403, 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 or the commissioner of~~
23 ~~juvenile justice on offenders under the jurisdiction of the secretary of~~
24 ~~corrections or juvenile offenders placed in juvenile correctional facilities~~
25 ~~under the jurisdiction of the commissioner of juvenile justice~~ *secretary of*
26 *corrections.*

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

33 Sec. 5. K.S.A. 72-1176 and 75-30,100 and K.S.A. 2020 Supp. 12-
34 16,125, 16a-2-403 and 19-122 are hereby repealed.

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