

Scott Lesher
Administrator

Ruben Tornini
Deputy Administrator



Mary Fallin
Governor

Todd Lamb
Lt. Governor

**STATE OF OKLAHOMA
DEPARTMENT OF CONSUMER CREDIT**

November 14, 2013

**Re: Revised Official declaratory ruling
Oklahoma Rental Purchase Act, 59 O.S. § 1954(C)(11)
Convenience fee for payment by telephone or electronic means**

The question has arisen as to whether or not a convenience fee may be imposed by a rental purchase dealer when a customer makes a payment via the telephone or by other electronic means. For purposes of this ruling, it is assumed that a rental purchase dealer is a “lessor” as defined by the Oklahoma Rental Purchase Act (“the Act”) at 59 O.S. § 1951(5), the customer is a “lessee” as defined by the Act at 59 O.S. § 1951(4) and that a convenience fee is imposed in connection with a “rental purchase agreement” as defined by the Act at 59 O.S. § 1951(6).

The Act provides that a rental purchase agreement shall disclose the “amount and purpose of any payment, charge or fee in addition to the regular periodic payments.” 59 O.S. § 1954(B)(4). The Act allows a lessor to impose the following additional charges or fees if the charges and fees are disclosed and if the fees are in an amount authorized by the Act: the voluntary purchase of insurance, a voluntary waiver of liability fee, a late charge or reinstatement fee, a delivery charge, an insufficient funds fee, a one-time, non-refundable initial fee and a pickup charge. 59 O.S. § 1954(C)(4-10).

The Act further provides in pertinent part that a rental purchase agreement “may not contain a provision that **requires** (emphasis added) the payment of any other additional charges of any nature whatsoever, other than those specified.” 59 O.S. § 1954(C)(11). Based on the foregoing, it is the opinion of the Administrator that a lessor may impose a convenience fee in connection with a rental purchase agreement when a customer makes a payment via the telephone or by other electronic means if the method of payment by telephone or other electronic means is disclosed to the lessee in the rental purchase agreement as an optional method of payment as a convenience to the lessee and the amount of the convenience fee for optional payment by telephone or other electronic device is disclosed in the rental purchase agreement to the lessee.

Furthermore, the convenience fee may not exceed the actual costs incurred by a lessor to process a payment by telephone or other electronic means. Actual costs include any fees charged to a lessor by a third party to process a payment via the telephone or other electronic means and compensation paid by a lessor to an employee and/or contractor of a lessor to process a payment via the telephone or other electronic means.

Scott Lesher
Administrator