

**SB 538 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Gomberg

**House Committee On Emergency Management, General Government, and Veterans**

---

**Action Date:** 05/11/23  
**Action:** Do Pass the A-Eng bill.  
**Vote:** 5-2-0-0  
**Yeas:** 5 - Dexter, Evans, Grayber, Hieb, Tran  
**Nays:** 2 - Conrad, Lewis  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Beverly Schoonover, LPRO Analyst  
**Meeting Dates:** 4/18, 5/9, 5/11

---

**WHAT THE MEASURE DOES:**

Permits state agency that accepts or collects payment by credit or debit card to add fee or surcharge in amount reasonably calculated to offset amounts charged or withheld from state agency accepting credit or debit card payment.

**ISSUES DISCUSSED:**

- Examples of agency costs attributable to credit card surcharges
- Actual costs versus anticipated fees and costs
- State transparency on fees

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Several Oregon laws govern state agency acceptance of credit card payments and surcharges to offset fees associated with the acceptance of a credit card payment. A total of 54 state agencies currently accept payments by credit card. Three of these agencies (Department of Environmental Quality, Department of Fish and Wildlife, and Department of Transportation) have statutory authority to collect fees to offset the costs of accepting payment by credit card. Additionally, ORS 291.055 governs the process for state agencies seeking to create new fees or increase fees, requiring a fee ratification process with enabling legislation for fees established or increased by administrative rule. The fee ratification process outlined in ORS 291.055 does not apply to fees set in statute.

Senate Bill 538 A allows a state agency that accepts or collects payment by credit or debit card to add a fee or surcharge to offset amounts charged or withheld from the state agency accepting the credit or debit card payment.