

SUPREME COURT OF OKLAHOMA

In re Establishment of Rule 1.19 of Oklahoma Supreme Court Rules

2019 OK 51 (Okla. 2019) · Decided June 24, 2019

SUMMARY

The Oklahoma Supreme Court issued an order establishing new Rule 1.19 concerning payment of fees, costs, and other charges by credit card, debit card, or other electronic payment methods. The order also adopted Form No. 4A, an affidavit of intent to remit a cost deposit electronically, and made the rule immediately applicable to pending cases before the Supreme Court and Court of Civil Appeals.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Per Curiam; Chief Justice Gurich; Vice Chief Justice Darby; Justice Winchester; Justice Edmondson; Justice Colbert; Justice Combs; Justice Kauger
JURISDICTION	Oklahoma
DECIDED	June 24, 2019
DISPOSITION	other
PROCEDURAL POSTURE	Original rulemaking proceeding in which the Supreme Court of Oklahoma adopted a new court rule and accompanying form.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court rulemaking order; establishes a court rule and filing procedures rather than resolving a conventional adversarial appeal.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should establish a new rule authorizing and regulating payment of court fees, costs, and other charges by credit card, debit card, or other electronic payment

methods.

2. Whether the Court should adopt Form No. 4A for affidavits of intent to remit a cost deposit through electronic payment.

HOLDINGS

1. The Supreme Court of Oklahoma adopted new Rule 1.19 governing payment of fees, fines, forfeitures, cost deposits, penalty assessments, and other charges by nationally recognized credit card, debit card, or other authorized electronic payment methods.
2. The Court adopted Form No. 4A under Rule 1.301 for an affidavit of intent to remit a cost deposit by credit card, debit card, or another electronic payment method.
3. Rule 1.19 was made immediately effective and applicable to all pending cases before the Supreme Court of Oklahoma or the Court of Civil Appeals.

KEY QUOTATIONS

“Rule 1.19 is immediately effective and shall apply to all pending cases before this Court or the Court of Civil Appeals.” (Order establishing new Oklahoma Supreme Court Rule 1.19)

“Submission of the affidavit alone without subsequent communication with the Clerk of the Supreme Court to provide any and all information necessary to process the cost deposit, or failure to provide an alternate form of payment in the event of a declination of the cost deposit, may result in dismissal of the initial pleadings.”
(Exhibit A, Rule 1.19(D))

FACTUAL BACKGROUND

The opinion concerns the administrative need to authorize electronic payment of fees, fines, forfeitures, cost deposits, and other charges collected by the Clerk of the Supreme Court. The adopted rule establishes procedures for in-person and mailed filings, including use of an affidavit of intent when electronic payment cannot be processed concurrently with filing.

PROCEDURAL HISTORY

The Supreme Court of Oklahoma acted in conference to establish Rule 1.19 concerning payment of fees, costs, and other charges by credit card, debit card, or other electronic payment methods. The Court also adopted Form No. 4A under Rule 1.301 and made Rule 1.19 immediately applicable to all pending cases before the Supreme Court and Court of Civil Appeals.

DISPOSITION

other

OPINION

PER CURIAM.

IN RE ESTABLISHMENT OF RULE 1.19 OF OKLAHOMA SUPREME COURT RULES Skip to Main Content Accessibility Statement Help Contact Us e-payments Careers Home Courts Decisions Programs News Legal Research Court Records Quick Links OSCN Found Document:IN RE ESTABLISHMENT OF RULE 1.19 OF OKLAHOMA SUPREME COURT RULES Previous Case Top Of Index This Point in Index Citationize Next Case Print Only IN RE ESTABLISHMENT OF RULE 1.19 OF OKLAHOMA SUPREME COURT RULES2019 OK 51Decided: 06/24/2019THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2019 OK 51, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. IN RE: Establishment of Rule 1.19 of the Oklahoma Supreme Court Rules - Use of Credit Cards, Debit Cards and Other Forms of Electronic Payment ORDER ESTABLISHING NEW OKLAHOMA SUPREME COURT RULE 1.19 CONCERNING USE OF CREDIT CARDS, DEBIT CARDS AND OTHER FORMS OF ELECTRONIC PAYMENT AND ADOPTION OF FORM NO. 4A, RULE 1.301 OF THE OKLAHOMA SUPREME COURT RULES The following new Rule 1.19 of the Oklahoma Supreme Court concerning use of credit cards, debit cards and other forms of electronic payment, is hereby adopted and codified at Part I of the Oklahoma Supreme Court Rules, Okla. Stat. tit.

12, ch. 15, app. 1, and is attached as Exhibit "A" to this order. The following new Form No. 4A, Rule 1.301, an affidavit of intent to remit cost deposit via credit card or debit card or other forms of electronic payment, is hereby adopted and codified at Part X, Oklahoma Supreme Court Rules, Okla. Stat. tit. 12, ch. 15, app. 1, and is attached as Exhibit "B" to this order.

Rule 1.19 is immediately effective and shall apply to all pending cases before this Court or the Court of Civil Appeals. DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 24th day of June, 2019. /S/CHIEF JUSTICE Gurich, C.J., Darby, V.C.J., Winchester, Edmondson, Colbert and Combs, JJ., concur; Kauger, J., concurs in part and dissents in part. EXHIBIT A Oklahoma Statutes Citationized Title 12.

Civil Procedure Appendix 1 - Oklahoma Supreme Court Rules Article Part I. Rules of General Application Section RULE 1.19 USE OF CREDIT CARDS, DEBIT CARDS AND OTHER ELECTRONIC PAYMENTS Cite as: O.S. §, __ __ A. Payment for any fee, fine, forfeiture, cost, penalty assessment or other charge or collection to be assessed or collected by the Clerk of the Supreme Court under the laws of this state, may be made by a personal or business check, U.S. currency or a nationally recognized credit or debit card or other electronic payment method meeting the criteria authorized by the Administrative Office of the Courts and the criteria below.

1. The Clerk of the Supreme Court accepts the following nationally recognized credit cards: Visa, MasterCard, Discover and American Express. Debit cards will be processed as a credit card

without the use of a PIN number.

The Clerk of the Supreme Court shall not collect a fee for the acceptance of the nationally recognized credit or debit card. 2. The term "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value.

The term "debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. B. If payment is made in person, payment in the form of a nationally recognized credit or debit card or other electronic payment method must be tendered and accepted concurrently with the initial pleadings by a person authorized to tender said form of payment in person at the office of the Clerk of the Supreme Court, pursuant to Rule 1.23(b).

In the event of a power outage, processing failure, equipment failure or other unforeseen circumstance which prevents the immediate processing of the remittance, the filer may file an affidavit as set forth in subparagraph C. C. In the event the initial pleadings are being sent to the Clerk of the Supreme Court pursuant to Rule 1.4(c) for filing by any method other than appearing in person at the office of the Clerk of the Supreme Court, the filer shall include an affidavit of intent to remit cost deposit via credit or debit card or other form of electronic payment which shall be filed concurrently with the initial pleadings.

1. The affidavit of intent to remit cost deposit with a credit or debit card or other electronic payment shall be in substantial compliance with the form prescribed by Rule 1.301 Form No. 4A. The filer shall provide the requested contact information but shall not include the actual card numbers or other sensitive information. A photocopy of the credit or debit card shall not be sent with the pleadings.

2. It shall be the responsibility of the filer to ensure the Clerk of the Supreme Court has received and successfully processed the cost deposit and any failure to do so is the sole responsibility of the filer. The Clerk of the Supreme Court may extend the time for payment by two business days in order to complete payment, in the event of a power outage, processing failure, equipment failure or other unforeseen circumstance which prevents the immediate processing of the remittance.

D. It is anticipated that initial pleadings may be filed on the due date. As long as payment or the Form 4A affidavit is received on or before the due date, the initial pleadings will be considered timely filed. In any instance in which a filer submits an affidavit of intent to remit cost deposit with a nationally recognized credit or debit card or other electronic payment, the initial pleading will be filed as if a cost deposit was actually provided.

Submission of the affidavit alone without subsequent communication with the Clerk of the Supreme Court to provide any and all information necessary to process the cost deposit, or failure to provide an alternate form of payment in the event of a declination of the cost deposit, may result in dismissal of the initial pleadings. EXHIBIT B Form No. 4A. Affidavit of intent to remit cost deposit via credit or debit card or other form of electronic payment AFFIDAVIT OF INTENT TO REMIT COST DEPOSIT VIA CREDIT CARD OR DEBIT CARD OR OTHER FORM OF ELECTRONIC PAYMENT STATE OF OKLAHOMA In the Supreme Court of Oklahoma: I, _____, depose and say that I am the _____, in the above-entitled case.

I further state that it is my intent to remit the cost deposit for this cause of action via credit card, debit card or other form of electronic payment, and that I am authorized to utilize the provided method of payment. I understand that it is my responsibility to remit the cost deposit and to ensure that the Clerk of the Supreme Court has received and successfully processed the cost deposit not later than two business days after the date of filing this Form 4A.

I accept full responsibility to provide the Clerk of the Supreme Court with any and all information needed for the processing of my remittance. I further understand that if I fail to timely and successfully remit the cost deposit for this cause of action in the form and manner prescribed by the Rules of the Supreme Court, my cause of action may be dismissed for failure to remit the cost deposit as required by Oklahoma law.

I further understand that I should not provide, on this Form 4A, the actual credit or debit card numbers or any other sensitive information for the processing of this cost deposit. I understand that the Clerk of the Supreme Court will not retain any of this information for any use other than the processing of this cost deposit after I have communicated with the Clerk and provided it.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

_____ Date _____ Affiant
Contact Information: Name
(Printed): _____ Address:

_____ Phone
Number: _____ E-mail
address: _____ DO NOT

PUT THE ACTUAL CREDIT OR DEBIT CARD NUMBERS ON THIS FORM, AND DO NOT
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