

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL NO. 1107

By: Jett

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7 COMMITTEE SUBSTITUTE

8 An Act relating to financial services; creating the
9 Financial Services Freedom Act; providing short
10 title; stating intent; defining terms; prohibiting
11 financial institutions from refusing service based on
12 certain factors; authorizing customers to request
13 certain information upon denial of service;
14 prescribing procedures for providing information;
15 authorizing the Attorney General to bring civil
16 action and seek remedies; authorizing persons to
17 initiate civil action; providing for recovery of
18 damages; prescribing recovery amounts; authorizing
19 persons to obtain injunction or restraining order
20 under certain circumstance; amending 15 O.S. 2021,
21 Section 753, as amended by Section 1, Chapter 368,
22 O.S.L. 2023 (15 O.S. Supp. 2024, Section 753), which
23 relates to the Oklahoma Consumer Protection Act;
24 making violation of certain provisions unlawful;
providing for noncodification; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Financial
Services Freedom Act".

1 SECTION 2. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 A. The Financial Services Freedom Act protects consumers by
4 providing transparency and safeguarding against politicized
5 debanking. The bill prohibits large banks and payment processors
6 from discriminating against customers because of their religious or
7 political speech or views, among other criteria often flagged as
8 part of a social credit score. It also increases transparency by
9 giving customers a right to an explanation from the financial
10 institution if their service is denied, restricted, or terminated.

11 B. This Legislature finds that:

12 1. Obtaining access to financial services is a basic
13 requirement for a person to meaningfully participate in the
14 marketplace of this state;

15 2. On account of their fundamental role in the marketplace,
16 this state and the United States government have given financial
17 institutions significant privileges and have enacted state and
18 federal laws that guarantee access to certain financial services
19 without discrimination based on race, color, religion, national
20 origin, sex, and other factors;

21 3. New banks and other financial institutions face significant
22 barriers to entry that reduce the competitiveness of the market and
23 allow existing institutions to wield significant power;

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1 4. Financial institutions should not act as de facto regulators
2 of private conduct by denying financial services based on a person's
3 religious exercise, association, speech, social views, or
4 participation in a particular industry;

5 5. Financial institutions have a responsibility to make
6 decisions about whether to provide a person with financial services
7 on the basis of impartial criteria free from discrimination or
8 favoritism based on the above factors;

9 6. Financial institutions also have a responsibility to
10 disclose the conditions under which they will deny financial
11 services, and if they deny financial services, to provide upon
12 request a truthful and complete explanation to the person as to why
13 financial services were denied;

14 7. Financial institutions face increasing internal and external
15 pressures to impede otherwise lawful commerce based on a person's
16 religious exercise, associations, speech, social views, or
17 participation in particular industries, and to do so covertly,
18 without informing the person or the public why services were or will
19 be denied;

20 8. When financial institutions omit material information about
21 when they will deny financial services or why they denied financial
22 services to a person, this lack of transparency harms specific
23 persons and the general marketplace;

1 9. This kind of deception and unfair discrimination in the
2 provision of financial services threatens the economy, security, and
3 the soundness of banking and other financial markets in this state;
4 and

5 10. These deceptive and unfairly discriminatory practices
6 threaten the ability of the citizens of this state to speak freely
7 as part of the democratic process and to live freely according to
8 the dictates of their consciences, and these practices also violate
9 the public trust.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2300 of Title 6, unless there is
12 created a duplication in numbering, reads as follows:

13 A. As used in this section:

14 1. "Discriminate in the provision of financial services" means
15 utilizing a social credit score to directly or indirectly decline to
16 provide full and equal enjoyment in the provision of financial
17 services, including the refusal to provide, termination of, or
18 restriction of financial services;

19 2. "Financial institution" means, notwithstanding the
20 provisions of Section 754 of Title 15 of the Oklahoma Statutes, a
21 bank having total assets over One Hundred Billion Dollars
22 (\$100,000,000,000.00) or a payment processor, credit card company,
23 credit card network, payment network, payment service provider, or
24 payment gateway that has processed more than One Hundred Billion

1 Dollars (\$100,000,000,000.00) in transactions in the last calendar
2 year. A financial institution shall include any affiliate or
3 subsidiary company, and the assets and the amount of transactions
4 processed by such affiliate or subsidiary;

5 3. "Financial service" means any financial product or service
6 offered by a financial institution;

7 4. "Person" means any individual, partnership, association,
8 joint stock company, trust, corporation, nonprofit organization, or
9 other business or legal entity;

10 5. "Protected from government interference" means a reference
11 to any speech, religious exercise, association, expression, or
12 conduct that is protected by the First Amendment to the United
13 States Constitution other than activities that the Supreme Court of
14 the United States has expressly held are unprotected as of the
15 effective date of this act, including obscenity, fraud, incitement,
16 true threats, fighting words, or defamation; and

17 6. a. "Social credit score" means any analysis, rating,
18 scoring, list, or tabulation that evaluates the
19 following:

20 (1) the exercise of religion that is protected from
21 government interference by the First Amendment to
22 the United States Constitution, Section 2 of
23 Article I of the Oklahoma Constitution, or
24 federal or state law, including all aspects of

1 religious observance and practices, beliefs, and
2 affiliations,

3 (2) any speech, expression, or association that is
4 protected from government interference by the
5 First Amendment to the United States
6 Constitution, Sections 3 and 22 of Article II of
7 the Oklahoma Constitution, or federal or state
8 law, including opinions, speech, or other
9 expressive activities, including the lawful
10 preservation of privacy regarding those
11 activities, including the refusal to disclose
12 lobbying, political activity, or contributions
13 beyond what is required by applicable state and
14 federal law,

15 (3) failure or refusal to adopt any targets or
16 disclosures related to greenhouse gas emissions
17 beyond what is required by applicable state and
18 federal law,

19 (4) failure or refusal to conduct any type of racial,
20 diversity, or gender audit or disclosure or to
21 provide any sort of quota, preference, or benefit
22 based, in whole or in part, on race, diversity,
23 or gender,

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1 (5) failure or refusal to facilitate or assist
2 employees in obtaining abortions or gender
3 reassignment services, or

4 (6) except as provided in subparagraph a of this
5 paragraph, participation in the following lawful
6 business associations or business activities:

7 (a) business activities with an entity that
8 engages in the manufacture, distribution,
9 wholesale, supply, or retail sale of
10 firearms, firearms accessories, or
11 ammunition,

12 (b) business activity with an entity that
13 engages in the exploration, production,
14 utilization, transportation, sale, or
15 manufacture of fossil fuel or fossil fuel-
16 based energy, or

17 (c) agriculture, and

18 b. For the purpose of division 6 of subparagraph a,
19 social credit score shall not include the financial
20 institution evaluating quantifiable risks of a person
21 based on impartial, financial risk-based standards
22 that include activities described in division 6 of
23 subparagraph a, if the standards are established in
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1 advance by the financial institution and publicly
2 disclosed to customers and potential customers.

3 These terms defined in this subsection shall be construed in
4 favor of the broad protection of the conduct, opinions, and beliefs
5 protected by the First Amendment to the United States Constitution,
6 applicable federal law, the Oklahoma Constitution, and state law.

7 B. If a financial institution refuses to provide, restricts, or
8 terminates service to a customer, that customer may request a
9 statement of specific reasons within ninety (90) days after
10 receiving notice of the refusal to provide, restriction of, or
11 termination of service. The customer may request the statement from
12 a customer service representative or designated account
13 representative by phone, mail, or electronic mail. Unless
14 prohibited by law, the financial institution shall transmit the
15 statement of specific reasons via mail and electronic mail within
16 fourteen (14) days of receipt of the request. The statement of
17 specific reasons shall include:

18 1. A detailed explanation of the basis for the denial or
19 termination of service, including a description of any of the
20 speech, religious exercise, business activity of the consumer with a
21 particular industry, or other conduct that was, in whole or in part,
22 the basis of the denial or termination of service;

23 2. A copy of the terms of service agreed to by the customer and
24 the financial institution; and

1 3. A citation to the specific provisions of the terms of
2 service upon which the financial institution relied to refuse to
3 provide, restrict, or terminate service if relevant.

4 C. A financial institution shall not:

5 1. Discriminate in the provision of financial services to a
6 person; or

7 2. Agree, conspire, or coordinate, directly or indirectly,
8 including through any intermediary or third party, with another
9 person, or group of persons, to engage in activity prohibited by
10 paragraph 1 of this subsection.

11 D. Any violation of this section shall be considered a
12 violation of the Oklahoma Consumer Protection Act, Section 751d et
13 seq. of Title 15 of the Oklahoma Statutes.

14 E. If the Attorney General has reasonable cause to believe that
15 any financial institution has engaged in, is engaging in, or intends
16 to engage in any violation of this section, the Attorney General may
17 investigate, bring civil action, and seek remedies as provided in
18 the Oklahoma Consumer Protection Act.

19 F. Any person harmed by a violation of this section may
20 initiate a civil action for either or both of the following:

21 1. To recover actual damages or Ten Thousand Dollars
22 (\$10,000.00), whichever is greater, for each violation. If the
23 trier of fact finds that the violation was willful, it may increase
24 the damages to an amount not to exceed three times the actual

1 damages sustained, or Thirty Thousand Dollars (\$30,000.00),
2 whichever is greater. A court shall award a prevailing plaintiff
3 reasonable attorney fees and court costs; or

4 2. To obtain preventative relief, including an application for
5 a permanent or temporary injunction, restraining order, or other
6 order as necessary to enforce the provisions of this section.

7 SECTION 4. AMENDATORY 15 O.S. 2021, Section 753, as
8 amended by Section 1, Chapter 368, O.S.L. 2023 (15 O.S. Supp. 2024,
9 Section 753), is amended to read as follows:

10 Section 753. A person engages in a practice which is declared
11 to be unlawful under the Oklahoma Consumer Protection Act when, in
12 the course of the person's business, the person:

13 1. Represents, knowingly or with reason to know, that the
14 subject of a consumer transaction is of a particular make or brand,
15 when it is of another;

16 2. Makes a false or misleading representation, knowingly or
17 with reason to know, as to the source, sponsorship, approval, or
18 certification of the subject of a consumer transaction;

19 3. Makes a false or misleading representation, knowingly or
20 with reason to know, as to affiliation, connection, association
21 with, or certification by another;

22 4. Makes a false or misleading representation or designation,
23 knowingly or with reason to know, of the geographic origin of the
24 subject of a consumer transaction;

1 5. Makes a false representation, knowingly or with reason to
2 know, as to the characteristics, ingredients, uses, benefits,
3 alterations, or quantities of the subject of a consumer transaction
4 or a false representation as to the sponsorship, approval, status,
5 affiliation or connection of a person therewith;

6 6. Knowingly or with reason to know, makes a false or
7 misleading representation or gives the false or misleading
8 impression of being affiliated with a state agency or an affiliate
9 of a state agency through advertisement or publication;

10 7. Represents, knowingly or with reason to know, that the
11 subject of a consumer transaction is original or new if the person
12 knows that it is reconditioned, reclaimed, used, or secondhand;

13 8. Represents, knowingly or with reason to know, that the
14 subject of a consumer transaction is of a particular standard, style
15 or model, if it is of another;

16 9. Advertises, knowingly or with reason to know, the subject of
17 a consumer transaction with intent not to sell it as advertised;

18 10. Advertises, knowingly or with reason to know, the subject
19 of a consumer transaction with intent not to supply reasonably
20 expected public demand, unless the advertisement discloses a
21 limitation of quantity;

22 11. Advertises under the guise of obtaining sales personnel
23 when in fact the purpose is to sell the subject of a consumer
24 transaction to the sales personnel applicants;

1 12. Makes false or misleading statements of fact, knowingly or
2 with reason to know, concerning the price of the subject of a
3 consumer transaction or the reason for, existence of, or amounts of
4 price reduction;

5 13. Employs "bait and switch" advertising, which consists of an
6 offer to sell the subject of a consumer transaction which the seller
7 does not intend to sell, which advertising is accompanied by one or
8 more of the following practices:

- 9 a. refusal to show the subject of a consumer transaction
10 advertised,
- 11 b. disparagement of the advertised subject of a consumer
12 transaction or the terms of sale,
- 13 c. requiring undisclosed tie-in sales or other
14 undisclosed conditions to be met prior to selling the
15 advertised subject of a consumer transaction,
- 16 d. refusal to take orders for the subject of a consumer
17 transaction advertised for delivery within a
18 reasonable time,
- 19 e. showing or demonstrating defective subject of a
20 consumer transaction which the seller knows is
21 unusable or impracticable for the purpose set forth in
22 the advertisement,

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1 f. accepting a deposit for the subject of a consumer
2 transaction and subsequently charging the buyer for a
3 higher priced item, or

4 g. willful failure to make deliveries of the subject of a
5 consumer transaction within a reasonable time or to
6 make a refund therefor upon the request of the
7 purchaser;

8 14. Conducts a closing out sale without having first obtained a
9 license as required in the Oklahoma Consumer Protection Act;

10 15. Resumes the business for which the closing out sale was
11 conducted within thirty-six (36) months from the expiration date of
12 the closing out sale license;

13 16. Falsely states, knowingly or with reason to know, that
14 services, replacements or repairs are needed;

15 17. Violates any provision of the Oklahoma Health Spa Act;

16 18. Violates any provision of the Home Repair Fraud Act;

17 19. Violates any provision of the Consumer Disclosure of Prizes
18 and Gifts Act;

19 20. Violates any provision of Section 755.1 of this title or
20 Section 1847a of Title 21 of the Oklahoma Statutes;

21 21. Commits an unfair or deceptive trade practice as defined in
22 Section 752 of this title;

23 22. Violates any provision of Section 169.1 of Title 8 of the
24 Oklahoma Statutes in fraudulently or intentionally failing or

1 refusing to honor the contract to provide certain cemetery services
2 specified in the contract entered into pursuant to the Perpetual
3 Care Fund Act;

4 23. Misrepresents a mail solicitation as an invoice or as a
5 billing statement;

6 24. Offers to purchase a mineral or royalty interest through an
7 offer that resembles an oil and gas lease and that the consumer
8 believed was an oil and gas lease;

9 25. Refuses to honor gift certificates, warranties, or any
10 other merchandise offered by a person in a consumer transaction
11 executed prior to the closing of the business of the person without
12 providing a purchaser a means of redeeming such merchandise or
13 ensuring the warranties offered will be honored by another person;

14 26. Knowingly causes a charge to be made by any billing method
15 to a consumer for services which the person knows was not authorized
16 in advance by the consumer;

17 27. Knowingly causes a charge to be made by any billing method
18 to a consumer for a product or products which the person knows was
19 not authorized in advance by the consumer;

20 28. Violates Section 752A of this title;

21 29. Makes deceptive use of another's name in notification or
22 solicitation, as defined in Section 752 of this title;

23 30. Falsely states or implies that any person, product or
24 service is recommended or endorsed by a named third person;

1 31. Falsely states that information about the consumer,
2 including but not limited to, the name, address or phone number of
3 the consumer has been provided by a third person, whether that
4 person is named or unnamed;

5 32. Acting as a debt collector, contacts a debtor and threatens
6 to file a suit against the debtor over a debt barred by the statute
7 of limitations which has passed for filing suit for such debt; ~~or~~

8 33. Acting as a debt collector, contacts a debtor and uses
9 obscene or profane language to collect a debt; or

10 34. Violates any of the provisions of Section 3 of this act.

11 SECTION 5. This act shall become effective November 1, 2025.

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