

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2086

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5
6 AS INTRODUCED

7 An Act relating to labor; enacting the Oklahoma
8 Earned Wage Access Services Act; providing
9 definitions; establishing requirements and
10 prohibitions; defining applicability; providing for
11 codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6100 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Oklahoma Earned
17 Wage Access Services Act".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6100.1 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 As used in this act, unless the context requires otherwise:

22 1. "Consumer" means an individual who resides in Oklahoma;

23 2. "Consumer-directed wage access services" means delivering to
24 a consumer access to earned but unpaid income that is based on the

1 consumer's representations and the provider's reasonable
2 determination of the consumer's earned but unpaid income;

3 3. "Earned but unpaid income" means salary, wages,
4 compensation, or other income that a consumer or an employer has
5 represented, and that a provider has reasonably determined, has been
6 earned or accrued to the benefit of the consumer in exchange for the
7 consumer's provision of services to the employer or on behalf of the
8 employer, including on an hourly, project-based, piecework, or other
9 basis and including circumstances in which the consumer is acting as
10 an independent contractor of the employer, but has not, at the time
11 of the payment of proceeds, been paid to the consumer by the
12 employer;

13 4. "Earned wage access services" means providing consumer-
14 directed wage access services or employer-integrated wage access
15 services, or both;

16 5. a. "Employer" means:

- 17 (1) a person who employs a consumer, or
18 (2) any other person who is contractually obligated
19 to pay a consumer earned but unpaid income in
20 exchange for the consumer's provision of services
21 to the employer or on behalf of the employer
22 including on an hourly, project-based, piecework,
23 or other basis and including circumstances in

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1 which the consumer is acting as an independent
2 contractor with respect to the employer.

3 b. "Employer" does not include:

4 (1) a customer of an employer, or

5 (2) any other person whose obligation to make a
6 payment of salary, wages, compensation, or other
7 income to a consumer is not based on the
8 provision of services by that consumer for or on
9 behalf of the person;

10 6. "Employer-integrated wage access services" means delivering
11 to a consumer access earned but unpaid income that is based on
12 employment, income, or attendance data obtained directly or
13 indirectly from an employer or an employer's payroll service
14 provider;

15 7. a. "Fee" means the following:

16 (1) a fee imposed by a provider for delivery or
17 expedited delivery of proceeds to a consumer, or

18 (2) a subscription or membership fee imposed by a
19 provider for a bona fide group of services that
20 include earned wage access services.

21 b. "Fee" does not include a voluntary tip, gratuity, or
22 other donation;

23 8. "Outstanding proceeds" means proceeds remitted to a consumer
24 by a provider that have not yet been repaid to the provider;

1 9. "Proceeds" means a payment to a consumer by a provider that
2 is based on earned but unpaid income; and

3 10. a. "Provider" or "earned wage access services provider"
4 means a person that is in the business of providing
5 earned wage access services to consumers.

6 b. "Provider" or "earned wage access services provider"
7 does not include:

8 (1) a service provider, such as a payroll service
9 provider, whose role may include verifying the
10 available earnings but is not contractually
11 obligated to fund any proceeds delivered as part
12 of an earned wage access service, or

13 (2) an employer that offers a portion of salary,
14 wages, or compensation directly to its employees
15 or independent contractors before the normally
16 scheduled pay date.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6100.2 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A provider shall do all of the following:

21 1. Develop and implement policies and procedures to respond to
22 questions raised by consumers and address complaints from consumers
23 in an expedient manner;

1 2. Whenever it offers a consumer the option to receive proceeds
2 for a fee or solicits an optional tip, gratuity, or other donation,
3 offer to the consumer at least one reasonable option to obtain
4 proceeds at no cost to the consumer and clearly explain how to elect
5 that no-cost option;

6 3. Before entering into an agreement with a consumer for the
7 provision of earned wage access services, do all of the following:

8 a. inform the consumer of their rights under the
9 agreement, or

10 b. fully and clearly disclose all fees associated with
11 the earned wage access services;

12 4. Inform the consumer of any material changes to the terms and
13 conditions of the earned wage access services before implementing
14 those changes for that consumer;

15 5. Allow the consumer to cancel use of the provider's earned
16 wage access services at any time, without incurring a cancellation
17 fee imposed by the provider;

18 6. Comply with all applicable local, state, and federal privacy
19 and information security laws;

20 7. If a provider solicits, charges, or receives a tip,
21 gratuity, or other donation from a consumer, the provider shall do
22 all of the following:

23 a. clearly and conspicuously disclose to the consumer
24 immediately prior to each transaction that a tip,

1 gratuity, or other donation amount may be zero (0) and
2 is voluntary, or

3 b. clearly and conspicuously disclose in its service
4 contract with the consumer and elsewhere that tips,
5 gratuities, or donations are voluntary and that the
6 offering of earned wage access services, including the
7 amount of proceeds a consumer is eligible to request
8 and the frequency with which proceeds are provided to
9 a consumer, is not contingent on whether the consumer
10 pays any tip, gratuity, or other donation or on the
11 size of the tip, gratuity, or other donation;

12 8. Provide proceeds to a consumer by any means mutually agreed
13 upon by the consumer and the provider; and

14 9. If the provider will seek repayment of outstanding proceeds
15 or payment of fees or other amounts owed, including voluntary tips,
16 gratuities, or other donations, in connection with the activities
17 covered by this act, from a consumer's account at a depository
18 institution, including by means of electronic fund transfer, the
19 provider shall do all of the following:

20 a. comply with applicable provisions of the federal
21 Electronic Fund Transfer Act, 15 U.S.C., Sections 1693
22 to 1693r, and regulations adopted thereunder, and
23 b. reimburse the consumer for the full amount of any
24 overdraft or nonsufficient funds fees imposed on a

1 consumer by the consumer's depository institution that
2 were caused by the provider attempting to seek payment
3 of any outstanding proceeds, fees, or other payments,
4 in connection with the activities covered by this
5 chapter, including voluntary tips, gratuities, or
6 other donations, on a date before, or in an incorrect
7 amount from, the date or amount disclosed to the
8 consumer. However, the provider is not subject to the
9 requirements in this subparagraph with respect to
10 payments of outstanding proceeds or fees incurred by a
11 consumer through fraudulent or other unlawful means.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6100.3 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A provider shall not do any of the following:

16 1. Share with an employer a portion of any fees, voluntary
17 tips, gratuities, or other donations that were received from or
18 charged to a consumer for earned wage access services;

19 2. Require a consumer's credit report or a credit score
20 provided or issued by a consumer reporting agency to determine a
21 consumer's eligibility for earned wage access services;

22 3. Accept payment of outstanding proceeds, fees, voluntary
23 tips, gratuities, or other donations from a consumer by means of a
24 credit card or charge card;

1 4. Charge a consumer a late fee, deferral fee, interest, or any
2 other penalty or charge for failure to pay outstanding proceeds,
3 fees, voluntary tips, gratuities, or other donations;

4 5. Report to a consumer reporting agency or debt collector any
5 information about the consumer regarding the inability of the
6 provider to be repaid outstanding proceeds, fees, voluntary tips,
7 gratuities, or other donations;

8 6. Compel or attempt to compel payment by a consumer of
9 outstanding proceeds, fees, voluntary tips, gratuities, or other
10 donations to the provider through any of the following means:

11 a. a suit against the consumer in a court of competent
12 jurisdiction,

13 b. use of a third party to pursue collection from the
14 consumer on the provider's behalf, or

15 c. sale of outstanding proceeds, fees, voluntary tips,
16 gratuities, or other donations to a third-party
17 collector or debt buyer for collection from a
18 consumer; and

19 7. If the provider solicits, charges, or receives tips,
20 gratuities, or other donations from a consumer, mislead or deceive a
21 consumer about the voluntary nature of the tips, gratuities, or
22 donations or represent that they will benefit any specific
23 individuals or group of individuals.

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1 B. The limitations set forth in subparagraph a of paragraph 6
2 of subsection A of this section do not preclude the use by a
3 provider of any of the methods specified in subdivision (1)(f) to
4 compel payment of outstanding proceeds or fees incurred by a
5 consumer through fraudulent or other unlawful means, nor do they
6 preclude a provider from pursuing an employer for breach of its
7 contractual obligations to the provider.

8 C. A provider may use the mailing address or state of residence
9 provided to it by a person or that person's employer to determine
10 the person's state of residence for purposes of this act.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6100.4 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. This act shall not apply to any person doing business under
15 the authority of any law of Oklahoma or of the United States
16 relating to banks, savings institutions, trust companies, building
17 and loan associations, industrial loan associations or credit
18 unions.

19 B. Notwithstanding any other provision of law, earned wage
20 access services offered and provided by an earned wage access
21 services provider in accordance with this act shall not be
22 considered:

23 1. In violation of or noncompliance with any law governing
24 deductions from payroll, salary, wages, compensation, or other

1 income or the purchase, sale or assignment of, or an order for
2 earned but unpaid income;

3 2. A loan or other form of credit or debt, nor shall the
4 provider be considered a creditor, debt collector, or lender with
5 respect thereto; or

6 3. Money transmission, nor shall the provider be considered a
7 money transmitter with respect thereto.

8 C. Notwithstanding any other provision of law, fees, voluntary
9 tips, gratuities, or other donations paid in accordance with this
10 act to a provider shall not be considered interest or finance
11 charges.

12 D. If there is a conflict between the provisions of this act
13 and any other provision of law, the provisions of this act shall
14 prevail.

15 SECTION 6. This act shall become effective November 1, 2025.

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