

1 STATE OF OKLAHOMA

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

3 SENATE BILL 781

By: Coleman

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5
6 AS INTRODUCED

7 An Act relating to wages; creating the Oklahoma
8 Earned Wages Access Services Act; providing short
9 title; defining terms; allowing an earned wage access
10 services provider to provide certain services;
11 specifying the services allowed; requiring a provider
12 to follow certain provisions; prohibiting an earned
13 wage access services provider from providing certain
14 services; specifying prohibited actions; allowing for
15 certain exceptions; exempting certain services from
16 this act; providing for codification; and providing
17 an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 650 of Title 40, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma Earned
23 Wages Access Services Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 650.1 of Title 40, unless there
is created a duplication in numbering, reads as follows:

A. As used in this act:

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

2 2. "Consumer-directed wage access service" means delivering to
3 a consumer access to earned but unpaid income that is based on the
4 consumer's representations and the provider's reasonable
5 determination of the consumer's earned but unpaid income;

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

16 4. "Earned wage access services" means services providing
17 consumer-directed wage access services or employer-integrated wage
18 access services;

19 5. "Earned wage access services provider" or "provider":

20 a. means a person that is in the business of providing
21 earned wage access services to consumers, and

22 b. does not mean a service provider, such as a payroll
23 service provider, whose role may include verifying the
24 available earnings but is not contractually obligated

1 to fund any proceeds delivered as part of an earned
2 wage access service, or an employer that offers a
3 portion of salary, wages, or compensation directly to
4 its employees or independent contractors before the
5 normally scheduled pay date;

6 6. "Employer":

7 a. means a person who employs a consumer, or any other
8 person who is contractually obligated to pay a
9 consumer in exchange for the consumer's provision of
10 services to the employer or on behalf of the employer
11 including on an hourly, project-based, piecework, or
12 other basis and including circumstances in which the
13 consumer is acting as an independent contractor with
14 respect to the employer, and

15 b. does not mean a customer of an employer, or any other
16 person whose obligation to make a payment of salary,
17 wages, compensation, or other income to a consumer is
18 not based on the provision of services by that
19 consumer for or on behalf of the person;

20 7. "Employer-based integrated wage access services" means
21 delivering to a consumer access to earned but unpaid income that is
22 based on employment, income, or attendance data obtained directly or
23 indirectly from an employer's payroll service provider;

24 8. "Fee":
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1 a. means a fee imposed by a provider for delivery or
2 expedited delivery of proceeds to a consumer, or a
3 subscription or membership fee imposed by a provider
4 for a bona fide group of services that includes earned
5 wage access services, and

6 b. does not mean a voluntary tip, gratuity, or other
7 donation;

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

10 10. "Outstanding proceeds" means proceeds remitted to a
11 consumer by a provider that have not yet been repaid to the
12 provider.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 650.2 of Title 40, unless there
15 is created a duplication in numbering, reads as follows:

16 A. An earned wage access services provider shall:

17 1. Develop and implement policies and procedures to respond to
18 questions raised by consumers and address complaints from consumers
19 in an expedient manner;

20 2. When a consumer is offered the option to receive proceeds
21 for a fee or solicits an optional tip, gratuity, or other donation,
22 offer the consumer at least one reasonable option to obtain proceeds
23 at no cost to the consumer and clearly explain how to elect the no-
24 cost option;

1 3. Before entering into an agreement with a consumer for the
2 provision of earned wage access services, adhere to the following:

3 a. inform the consumer of his or her rights under the
4 agreement, and

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

7 4. Inform the consumer of any material changes to the terms and
8 conditions of the earned wage access services before implementing
9 those changes for that consumer;

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

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

15 7. If a provider solicits charges or receives a tip, gratuity,
16 or other donation from a consumer, disclose clearly and
17 conspicuously to the consumer:

18 a. immediately prior to each transaction that a tip,
19 gratuity, or other donation amount may be zero and is
20 voluntary, and

21 b. in the provider service contract with the consumer and
22 elsewhere that tips, gratuities, or other donations
23 are voluntary and that the offering of earned wage
24 access services, including the amount of proceeds a
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1 consumer is eligible to request and the frequency with
2 which proceeds are provided to a consumer, is not
3 contingent on whether the consumer pays, or on the
4 size of any tips, gratuities, or other donations; and

5 8. Provide proceeds to a consumer by any means mutually agreed
6 upon by the consumer and the provider.

7 B. If the provider seeks repayment of outstanding proceeds or
8 payment of fees or other amounts owed, including voluntary tips,
9 gratuities, or other donations, in connection with the activities
10 covered by this act, from a consumer's account at a depository
11 institution, including by means of electronic funds transfer, the
12 provider shall:

13 1. Comply with applicable provisions of the federal Electronic
14 Fund Transfer Act and regulations adopted thereunder; and

15 2. Reimburse the consumer for the full amount of any overdraft
16 or insufficient funds or fees imposed on a consumer by the
17 consumer's depository institution that were caused by the provider
18 attempting to seek payment of any outstanding proceeds, fees, or
19 other payments, in connection with the activities covered by this
20 chapter, including voluntary tips, gratuities, or other donations,
21 on a date before, or in an incorrect amount from, the date or amount
22 disclosed to the consumer.

1 C. Nothing in this act shall require a provider to be subject
2 to payments of outstanding proceeds or fees, if they were incurred
3 by a consumer through fraudulent or other unlawful means.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 650.3 of Title 40, unless there
6 is created a duplication in numbering, reads as follows:

7 A. An earned wage access services provider shall not:

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

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

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

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

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

1 6. Compel or attempt to compel payment by a consumer of
2 outstanding proceeds, fees, voluntary tips, gratuities, or other
3 donations to the provider through any of the following:

- 4 a. a suit against the consumer in a court of competent
5 jurisdiction,
- 6 b. use of a third party to pursue collection from the
7 consumer on the provider's behalf, or
- 8 c. sale of outstanding proceeds, fees, voluntary tips,
9 gratuities, or other donations to a third-party
10 collector or debt buyer for collection from a
11 consumer; and

12 7. Mislead or deceive a consumer about the voluntary nature of
13 the tips, gratuities, or donations or represent that they will
14 benefit any specific individuals or group of individuals.

15 B. The limitations set forth in this section do not preclude
16 the use by a provider of any of the methods specified in paragraph 6
17 of subsection A of this section to compel payment of outstanding
18 proceeds or fees incurred by a consumer through fraudulent or
19 unlawful means; nor do they preclude a provider from pursuing an
20 employer for breach of its contractual obligations to the provider.

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

1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 650.4 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act shall not apply to any person doing business under
5 the authority of any law of this state or of the United States
6 relating to banks, savings institutions, trust companies, building
7 and loan associations, industrial loan associations, or credit
8 unions.

9 B. Notwithstanding any other provision of law, earned wage
10 access services offered and provided by an earned wage access
11 services provider in accordance with this act shall not be
12 considered:

13 1. In violation of or noncompliance with any law governing
14 deductions from payroll, salary, wages, compensation, or other
15 income or the purchase, sale, or assignment of, or an order for,
16 earned but unpaid income;

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

20 3. A money transmission; nor shall the provider be considered a
21 money transmitter with respect thereto.

22 C. Notwithstanding any other provision of law, fees, voluntary
23 tips, gratuities, or other donations paid in accordance with this
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1 act to a provider shall not be considered interest or finance
2 charges.

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