

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 672

By: Burns

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5  
6 AS INTRODUCED

7 An Act relating to financial institutions; creating  
8 the Fair Access to Financial Services Act; providing  
9 short title; stating purpose; defining terms;  
10 preventing financial institutions from denying  
11 financial services to individuals for certain  
12 criteria; requiring disclosure from financial  
institutions if denying an individual certain  
financial services; providing for penalties;  
promulgating rules; providing for codification; and  
providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1520 of Title 6, unless there is  
17 created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Fair Access to  
19 Financial Services Act".

20 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1520.1 of Title 6, unless there  
22 is created a duplication in numbering, reads as follows:

23 The Legislature recognizes the rights of citizens of this state,  
24 including the freedom of speech and association. These rights may

1 be infringed when financial institutions limit access to financial  
2 services for any reason other than objective financial criteria.  
3 The protection of the rights of the citizens and businesses of the  
4 state, including financial freedom, is a fundamental role of  
5 government, and any limitations on access to financial services  
6 based on non-traditional criteria would not only threaten the rights  
7 and proper privileges of citizens and businesses of the state but  
8 would also be a menace to the institutions and foundations of a free  
9 democratic state and a threat to the peace, order, health, safety,  
10 and general welfare of the state and its inhabitants.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1520.2 of Title 6, unless there  
13 is created a duplication in numbering, reads as follows:

14 As used in this act:

15 1. "Financial institutions" means any state bank, national  
16 bank, trust company, savings and loan association, savings bank,  
17 federal savings and loan association, federal savings bank, mortgage  
18 provider, credit union, any money transmitter, or other non-  
19 depository service provider as may be defined in the Oklahoma  
20 Banking Code, and any federal credit union organized under the  
21 federal credit union as defined in 12 U.S.C., Section 1751 et seq.;

22 2. "Financial service" means a financial produce or service;  
23 and  
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1           3. "Person" means an individual, group of individuals, board,  
2 committee, partnership, firm, association, corporation, or other  
3 entity as defined in Section 102 of Title 6 of the Oklahoma Statutes.

4           SECTION 4.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1520.3 of Title 6, unless there  
6 is created a duplication in numbering, reads as follows:

7           A. To provide fair access to financial services, a financial  
8 institution shall not, except as provided in this act:

9           1. Deny any person a financial service the financial  
10 institution offers except to the extent justified by such person's  
11 documented failure to meet quantitative, impartial risk-based  
12 financial standards established in advance by the financial  
13 institution;

14           2. Deny any person a financial service the financial  
15 institution offers, other than as provided in paragraph 1 of this  
16 subsection, when the effect of the denial is to prevent, limit, or  
17 otherwise disadvantage the person:

18           a. from entering or competing in a market or business  
19 segment, or

20           b. in such a way that benefits another person or business  
21 activity in which the financial institution has a  
22 financial interest; or

23           3. Deny, in coordination with another person, any person a  
24 financial service the financial institution offers.

1 B. A financial institution that utilizes standard or guidelines  
2 based on non-financial, non-traditional, and subjective measures  
3 such as environmental, social, and governance criteria, diversity,  
4 equity and inclusion policies, or political and ideological factors  
5 shall:

6 1. Disclose to the state authority that oversees the financial  
7 institution the specific standards, guidelines, and criteria used by  
8 the financial institution to determine access or denial of a  
9 financial service to a person in the state;

10 2. Comply with any rules promulgated by the state authority  
11 that oversees the financial institution defined in this act; and

12 3. Disclose to any person denied a financial service with the  
13 specific data, information, criteria, and standard used to support  
14 such denial. This consumer discloser shall be in bold 14-point  
15 font.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1520.4 of Title 6, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Unless otherwise authorized, a financial institution that  
20 violates Section 4 of this act or commits an unfair practice that  
21 misleads consumers shall be subject to civil enforcement by the  
22 Oklahoma Banking Department pursuant to Section 201 et seq. of Title  
23 6 of the Oklahoma Statutes.

1 B. A person harmed by a violation of this act may file a civil  
2 action against the financial institution.

3 C. Notwithstanding civil enforcement pursuant to subsection A  
4 and B of this section, it shall be a felony for a financial  
5 institution to commit five (5) or more violations of this act.

6 D. The Oklahoma Banking Department shall promulgate rules  
7 necessary for the enforcement of this act.

8 SECTION 6. This act shall become effective November 1, 2023.

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