

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

11 4. "Earned wage access services" means services providing
12 consumer-directed wage access services or employer-based integrated
13 wage access services;

14 5. "Earned wage access services provider" or "provider" means a
15 person that is in the business of providing earned wage access
16 services to consumers. The term does not mean a service provider,
17 such as a payroll service provider, whose role may include verifying
18 the available earnings but is not contractually obligated to fund
19 any proceeds delivered as part of an earned wage access service, or
20 an employee that offers a portion of salary, wages, or compensation
21 directly to its employees or independent contractors before the
22 normally scheduled pay date;

23 6. "Employer" means a person who employs a consumer, or any
24 other person who is contractually obligated to pay a consumer in

1 exchange for the consumer's provision of services to the employer or
2 on behalf of the employer including on an hourly, project-based,
3 piecework, or other basis, and including circumstances in which the
4 consumer is acting as an independent contractor with respect to the
5 employer. The term does not mean a customer of an employer, or any
6 other person whose obligation to make a payment of salary, wages,
7 compensation, or other income to a consumer is not based on the
8 provision of services by that consumer for or on behalf of the
9 person;

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

14 8. "Fee" means an amount imposed by a provider for delivery or
15 expedited delivery of proceeds to a consumer, or a subscription or
16 membership fee imposed by a provider for a bona fide group of
17 services that include earned wage access services. The term does
18 not mean a voluntary tip, gratuity, or other donation;

19 9. "Outstanding proceeds" means proceeds remitted to a consumer
20 by a provider that have not yet been repaid to the provider; and

21 10. "Proceeds" means a payment to a consumer by a provider that
22 is based on earned but unpaid income.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-603 of Title 14A, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Department of Consumer Credit shall administer and
5 enforce the provisions of the Oklahoma Earned Wage Access Services
6 Act. The Commission on Consumer Credit is authorized to promulgate
7 rules necessary to implement, interpret, and enforce this act.

8 B. No person shall engage in the business of providing earned
9 wage access services to a consumer in this state without first
10 obtaining a license from the Administrator of Consumer Credit.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6-604 of Title 14A, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Department of Consumer Credit shall administer a
15 database of consumers with outstanding proceeds owed to an earned
16 wage access services provider. The database shall contain
17 information including, but not limited to, the name of the consumer,
18 the consumer's address, the name of the earned wage access services
19 provider providing proceeds to the consumer by an earned wage access
20 services provider, and the outstanding proceeds owed to the earned
21 wage access services provider.

22 B. Earned wage access services providers shall report to the
23 Department all consumer-directed earned wage access service
24 transactions entered into with consumers within twenty-four (24)

1 hours of providing proceeds to a consumer. Earned wage access
2 services providers shall report to the Department all payments made
3 toward outstanding proceeds owed by a consumer and the current
4 amount of outstanding proceeds owed by the consumer within twenty-
5 four (24) hours of receiving a payment by the consumer.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 6-605 of Title 14A, unless there
8 is created a duplication in numbering, reads as follows:

9 A. An applicant for an earned wage access services provider
10 license shall file an application with the Administrator of the
11 Department of Consumer Credit on a form prescribed by the Department
12 and shall pay a filing fee of Seven Hundred Dollars (\$700.00), a
13 license fee of Five Hundred Dollars (\$500.00) and a supervision fee
14 of Seven Hundred Dollars (\$700.00). In the event of a denial of the
15 application, the license and supervision fees shall be returned to
16 the applicant.

17 B. A license shall be renewed annually upon payment of a
18 renewal fee not to exceed Seven Hundred Dollars (\$700.00) and
19 submission of required reporting.

20 C. A license issued under this act shall be nontransferable.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6-606 of Title 14A, unless there
23 is created a duplication in numbering, reads as follows:

24 A. An earned wage access services provider shall:

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

4 2. When a consumer is offered the option to receive proceeds
5 for a fee or solicits an optional tip, gratuity, or other donation,
6 offer the consumer at least one reasonable option to obtain proceeds
7 at no cost to the consumer and clearly explain how to elect the no-
8 cost option;

9 3. Before entering into an agreement with a consumer for the
10 provision of earned wage access services:

11 a. inform the consumer of his or her rights under the
12 agreement,

13 b. fully and clearly disclose all fees associated with
14 the earned wage access services, and

15 c. if entering into a consumer-directed earned wage
16 access services transaction, not enter into an
17 agreement which would cause the consumer to exceed One
18 Thousand Dollars (\$1,000.00) in outstanding consumer-
19 directed earned wage access services transactions.

20 The provider shall verify outstanding proceeds by
21 using a real-time verification system approved by the
22 Administrator. To comply with the verification
23 required under this act, the provider shall be charged
24 a fee by the real-time verification system provider

1 for each transaction not to exceed fifty cents
2 (\$0.50). The real-time verification fee may be passed
3 on to the consumer;

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

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

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

12 7. If soliciting charges or receiving a tip, gratuity, or other
13 donation from a consumer, disclose clearly and conspicuously:

14 a. immediately prior to each transaction that a tip,
15 gratuity, or other donation amount may be zero and is
16 voluntary, and

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

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

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

9 1. Comply with applicable provisions of the federal Electronic
10 Fund Transfer Act and regulations adopted pursuant to such Act; and

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

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

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6-607 of Title 14A, unless there
24 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

21 a. an action against the consumer in a court of competent
22 jurisdiction,

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

1 c. sale of outstanding proceeds, fees, voluntary tips,
2 gratuities, or other donations to a third-party
3 collector or debt buyer for collection from a
4 consumer; or

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

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

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

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-608 of Title 14A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall not apply to any person doing business under
21 the authority of any law of this state or of the United States
22 relating to banks, savings institutions, trust companies, building
23 and loan associations, industrial loan associations, or credit
24 unions.

1 B. Notwithstanding any other provision of law, earned wage
2 access services offered and provided by an earned wage access
3 services provider in accordance with this act shall not be
4 considered:

5 1. In violation of or noncompliance with any law governing
6 deductions from payroll, salary, wages, compensation, or other
7 income or the purchase, sale, or assignment of, or an order for,
8 earned but unpaid income;

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

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

14 C. Notwithstanding any other provision of law, fees, voluntary
15 tips, gratuities, or other donations paid in accordance with this
16 act to a provider shall not be considered interest or finance
17 charges.

18 SECTION 9. This act shall become effective November 1, 2026.

19 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, WORKFORCE
AND TOURISM
20 February 24, 2026 - DO PASS AS AMENDED

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