

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1469

By: Coleman

AS INTRODUCED

An Act related to wages; creating the Oklahoma Earned Wage Access Services Act; providing short title; defining terms; requiring the Department of Consumer Credit to administer and enforce act; requiring license to provide certain services; providing for promulgation of rules; requiring license application to Administrator of the Department of Consumer Credit; directing the Department of Consumer Credit to administer certain database; requiring earned wage access services providers to report certain transactions within certain period; requiring payment of filing, license, and supervision fees; establishing duties of earned wage access provider; providing exceptions; prohibiting certain actions by earned wage access services provider; providing exceptions; clarifying applicability of act; 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 to be codified in the Oklahoma Statutes as Section 6-601 of Title 14A, unless there is created a duplication in numbering, reads as follows:

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

1 SECTION 2. NEW LAW

2 A new section of law to be codified
3 in the Oklahoma Statutes as Section 6-602 of Title 14A, unless there
4 is created a duplication in numbering, reads as follows:

5 As used in this act:

6 1. "Consumer" means an individual who resides in this state;

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

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

21 4. "Earned wage access services" means services providing
22 consumer-directed wage access services or employer-based integrated
23 wage access services;

24 5. "Earned wage access services provider" or "provider" means a
25 person that is in the business of providing earned wage access

1 services to consumers. The term does not mean a service provider,
2 such as a payroll service provider, whose role may include verifying
3 the available earnings but is not contractually obligated to fund
4 any proceeds delivered as part of an earned wage access service, or
5 an employee that offers a portion of salary, wages, or compensation
6 directly to its employees or independent contractors before the
7 normally scheduled pay date;

8 6. "Employer" means a person who employs a consumer, or any
9 other person who is contractually obligated to pay a consumer in
10 exchange for the consumer's provision of services to the employer or
11 on behalf of the employer including on an hourly, project-based,
12 piecework, or other basis, and including circumstances in which the
13 consumer is acting as an independent contractor with respect to the
14 employer. The term does not mean a customer of an employer, or any
15 other person whose obligation to make a payment of salary, wages,
16 compensation, or other income to a consumer is not based on the
17 provision of services by that consumer for or on behalf of the
18 person;

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

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

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

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

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

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

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

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

21 A. The Department of Consumer Credit shall administer a
22 database of consumers with outstanding proceeds owed to an earned
23 wage access services provider. The database shall contain
24 information including, but not limited to, the name of the consumer,

1 the consumer's address, the name of the earned wage access services
2 provider providing proceeds to the consumer by an earned wage access
3 services provider, and the outstanding proceeds owed to the earned
4 wage access services provider.

5 B. Earned wage access services providers shall report to the
6 Department all consumer-directed earned wage access service
7 transactions entered into with consumers within twenty-four (24)
8 hours of providing proceeds to a consumer. Earned wage access
9 services providers shall report to the Department all payments made
10 toward outstanding proceeds owed by a consumer and the current
11 amount of outstanding proceeds owed by the consumer within twenty-
12 four (24) hours of receiving a payment by the consumer.

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

16 A. An applicant for an earned wage access services provider
17 license shall file an application with the Administrator of the
18 Department of Consumer Credit on a form prescribed by the Department
19 and shall pay a filing fee of Seven Hundred Dollars (\$700.00), a
20 license fee of Five Hundred Dollars (\$500.00) and a supervision fee
21 of Seven Hundred Dollars (\$700.00). In the event of a denial of the
22 application, the license and supervision fees shall be returned to
23 the applicant.
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1 B. A license shall be renewed annually upon payment of a
2 renewal fee not to exceed Seven Hundred Dollars (\$700.00) and
3 submission of required reporting.

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

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

8 A. An earned wage access services provider shall:

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

12 2. When a consumer is offered the option to receive proceeds
13 for a fee or solicits an optional tip, gratuity, or other donation,
14 offer the consumer at least one reasonable option to obtain proceeds
15 at no cost to the consumer and clearly explain how to elect the no-
16 cost option;

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

19 a. inform the consumer of his or her rights under the
20 agreement,

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

23 c. if entering into a consumer-directed earned wage
24 access services transaction, not enter into an
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1 agreement which would cause the consumer to exceed One
2 Thousand Dollars (\$1,000.00) in outstanding consumer-
3 directed earned wage access services transactions.
4 The provider shall verify outstanding proceeds by
5 using a real-time verification system approved by the
6 Administrator. To comply with the verification
7 required under this act, the provider shall be charged
8 a fee by the real-time verification system provider
9 for each transaction not to exceed fifty cents
10 (\$0.50). The real-time verification fee may be passed
11 on to the consumer;

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 soliciting charges or receiving a tip, gratuity, or other
21 donation from a consumer, disclose clearly and conspicuously:

- 22 a. immediately prior to each transaction that a tip,
23 gratuity, or other donation amount may be zero and is
24 voluntary, and

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

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

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

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

2. Reimburse the consumer for the full amount of any overdraft or insufficient funds fees imposed on the consumer by the consumer's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees, or other payments, in connection with the activities covered by this act, including voluntary tips, gratuities, or other donations, on a date

1 before, or in an incorrect amount from, the date or amount disclosed
2 to the consumer.

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

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

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

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

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

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

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

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

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

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

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

17 B. The limitations set forth in this section do not preclude
18 the use by a provider of any of the methods specified in paragraph 6
19 of subsection A of this section to compel payment of outstanding
20 proceeds or fees incurred by a consumer through fraudulent or
21 unlawful means; nor do they preclude a provider from pursuing an
22 employer for breach of its contractual obligations to the provider.
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1 C. A provider may use the mailing address or state of residence
2 provided to it by a person or that person's employer to determine
3 the person's state of residence for purposes of this act.

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

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

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

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

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

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

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

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

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