

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3725

By: Shaw

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6 AS INTRODUCED

7 An Act relating to labor; requiring employers to use
8 e-verification; defining terms; defining
9 requirements; directing Department of Labor to
10 implement online portal system; directing Department
to publish annual reports; implementing penalties;
providing for codification; and providing an
effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 201.1 of Title 40, unless there
16 is created a duplication in numbering, reads as follows:

17 A. As used in this section, "status verification system" or "e-
18 verification" means an electronic system operated by the federal
19 government, through which an authorized official of an agency of the
20 State of Oklahoma or of a political subdivision therein may make an
21 inquiry, by exercise of authority delegated pursuant to 8 U.S.C.,
22 Section 1373, to verify or ascertain the citizenship or immigration
23 status of any individual within the jurisdiction of the agency for
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1 any purpose authorized by subsection B of this section. The status
2 verification system shall be deemed to include:

3 1. The E-Verify Program of the Illegal Immigration Reform and
4 Immigration Responsibility Act of 1996, P.L. 104-208, Division C,
5 Section 403(a), 8 U.S.C., Section 1324a, and operated by the United
6 States Department of Homeland Security, known as the E-Verify
7 Program;

8 2. Any equivalent federal program designated by the United
9 States Department of Homeland Security or any other federal agency
10 authorized to verify the work eligibility status of newly hired
11 employees, pursuant to the Immigration Reform and Control Act of
12 1986 (IRCA), D.L. 99-603; or

13 3. Any other independent, third-party system with an equal or
14 higher degree of reliability as the programs, systems, or processes
15 described in this subsection.

16 B. Every employer registered to do business in the State of
17 Oklahoma shall utilize a status verification system for new hires,
18 including full-time, part-time, and seasonal new hires.

19 C. This section does not apply to the following:

20 1. Independent contractors;

21 2. Returning seasonal employees if rehired within twelve (12)
22 months if the employee was already authorized under the status
23 verification system. This provision is void if the employer falsely
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1 classifies an employee as a seasonal employee for purposes of this
2 act or fails to complete the original certification; and

3 3. Individuals not classified as employees.

4 D. Agricultural employers may designate qualified third
5 parties, including cooperatives, farm bureaus, payroll service
6 providers, or licensed employer agents to submit e-verification
7 checks on their behalf.

8 E. An employer that utilizes the E-Verify Program operated by
9 the United States Department of Homeland Security, or any successor
10 program formally designated by the federal government for employment
11 eligibility verification under the Immigration Reform and Control
12 Act of 1986, shall be presumed to be in compliance with the
13 requirements of this section, absent evidence of intentional or
14 knowing violation. Use of any alternative verification system shall
15 not diminish an employer's obligations under federal law nor negate
16 the procedural protections afforded under federal employment
17 eligibility verification requirements.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 201.2 of Title 40, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Department of Labor shall create a centralized online
22 portal maintaining all forms, instructions, multilingual guidance,
23 and training modules relevant to the status verification system and
24 requirements. Employers with fifty or more employees shall begin

1 using the status verification system within ninety (90) days and all
2 other employers shall begin using the status verification system
3 within one hundred eighty (180) days after the Department finalizes
4 and providing access to the online portal.

5 B. The Department shall create and publish an annual statewide
6 report identifying compliance rates, enforcement actions, high-risk
7 industries, and recommended refinements.

8 C. Any report published pursuant to this section shall present
9 data in aggregate form and shall not disclose the identity of any
10 specific employer unless an enforcement action has become final at
11 the Department level.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 201.3 of Title 40, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A fine of not less than One Hundred Dollars (\$100.00) nor
16 more than Five Hundred Dollars (\$500.00) for each offense shall be
17 incurred for any employer who knowingly violates the requirements
18 under this act. Clerical errors, isolated data-entry mistakes, and
19 system-caused inconsistency shall not be considered violations.

20 B. An employer who repeatedly violates Section 1 of this act
21 shall be fined based on the following occurrences:

22 1. A fine of Five Thousand Dollars (\$5,000.00) for every month
23 an employer continues employing an individual after receiving
24 nonconfirmation; and

1 2. A fine of no less than One Thousand Dollars (\$1,000) for
2 every repeat offense in subsection A of this section

3 C. An employer shall not be considered in violation of this act
4 for continuing to employ an individual during the period in which
5 the individual is lawfully contesting or resolving a tentative
6 nonconfirmation through the status verification system, provided the
7 employer complies with all federal notice and procedural
8 requirements. Enforcement actions and penalties under this section
9 shall apply only after a final nonconfirmation has been issued and
10 all applicable appeal or correction procedures have been exhausted.

11 SECTION 4. This act shall become effective November 1, 2026.

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