

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4155 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Clay Staires

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4155

By: Staires

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to financial services; enacting the
9 Oklahoma Consumer Protection through Fair Access to
10 Financial Services Act; making legislative findings;
11 defining term; prohibiting certain acts; providing
12 exceptions; providing private right of action;
13 prohibiting use of certain information with respect
14 to insurance premiums; amending 78 O.S. 2021, Section
15 53, which relates to the Oklahoma Deceptive Trade
16 Practices Act; providing for effect of violation of
17 Oklahoma Consumer Protection Through Fair Access to
18 Financial Services Act; providing for codification;
19 and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2301 of Title 6, unless there is
23 created a duplication in numbering, reads as follows:

24 This act shall be known and may be cited as the "Oklahoma
Consumer Protection through Fair Access to Financial Services Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2302 of Title 6, unless there is
3 created a duplication in numbering, reads as follows:

4 The Legislature recognizes the rights of Oklahoma citizens
5 including the freedom of speech and association. That these rights
6 may be infringed when financial institutions limit access to
7 financial services for any reason other than objective financial
8 criteria. The protection of the rights of Oklahoma citizens and
9 businesses, including financial freedom, is a fundamental role of
10 government and any limitations on access to financial services based
11 on nontraditional criteria would not only threaten the rights and
12 proper privileges of Oklahoma citizens and businesses but would also
13 be a menace to the institutions and foundation of a free democratic
14 state and a threat to the peace, order, health, safety, and general
15 welfare of the state and its inhabitants.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2303 of Title 6, unless there is
18 created a duplication in numbering, reads as follows:

19 As used in this act, unless the context otherwise requires, the
20 term "unsafe or unsound practice" or "unsafe and unsound practice"
21 means:

22 1. Any practice or conduct found by the Attorney General to be
23 contrary to generally accepted standards applicable to a financial
24 institution, or a violation of any prior agreement in writing or

1 order of a state or federal regulatory agency, which practice,
2 conduct, or violation creates the likelihood of loss, insolvency, or
3 dissipation of assets or otherwise prejudices the interest of the
4 financial institution or its depositors or members. In making this
5 determination, the Attorney General must consider the size and
6 condition of the financial institution, the gravity of the
7 violation, and the prior conduct of the person or institution
8 involved; or

9 2. Failure to comply with the requirements of Section 4 of this
10 act or engaging in a practice described in subsection B of Section 4
11 of this act.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2304 of Title 6, unless there is
14 created a duplication in numbering, reads as follows:

15 A. Financial institutions shall make determinations about the
16 provision or denial of services based on an analysis of risk factors
17 unique to each current or prospective customer or member and may not
18 engage in an unsafe and unsound practice as provided in subsection B
19 of this section. This subsection does not restrict a financial
20 institution that claims a religious purpose from making such
21 determinations based on the current or prospective customer's or
22 member's religious beliefs, religious exercise, or religious
23 affiliations.

24

1 B. It is an unsafe and unsound practice for a financial
2 institution to deny or cancel its services to a person, or to
3 otherwise discriminate against a person in making available such
4 services or in the terms or conditions of such services, on the
5 basis of:

6 1. The person's political opinions, speech, or affiliations;

7 2. Except as provided in subsection A of this section, the
8 person's religious beliefs, religious exercise, or religious
9 affiliations;

10 3. Any factor if it is not a quantitative, impartial, and
11 risk-based standard, including any such factor related to the
12 person's business sector; or

13 4. The use of any rating, scoring, analysis, tabulation, or
14 action that considers a social credit score based on factors
15 including, but not limited to:

16 a. the person's political opinions, speech, or
17 affiliations,

18 b. the person's religious beliefs, religious exercise, or
19 religious affiliations,

20 c. the person's lawful ownership of a firearm,

21 d. the person's engagement in the lawful manufacture,
22 distribution, sale, purchase, or use of firearms or
23 ammunition,

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- 1 e. the person's engagement in the exploration,
2 production, utilization, transportation, sale, or
3 manufacture of fossil fuel-based energy, timber,
4 mining, or agriculture,
- 5 f. the person's support of the state or federal
6 government in combating illegal immigration, drug
7 trafficking, or human trafficking,
- 8 g. the person's engagement with, facilitation of,
9 employment by, support of, business relationship with,
10 representation of, or advocacy for any person
11 described in this paragraph,
- 12 h. the person's failure to meet or commit to meet, or
13 expected failure to meet, any of the following as long
14 as such person is in compliance with applicable state
15 or federal law:
- 16 (1) environmental standards, including emissions
17 standards, benchmarks, requirements, or
18 disclosures,
- 19 (2) social governance standards, benchmarks, or
20 requirements, including, but not limited to,
21 environmental or social justice,
- 22 (3) corporate board or company employment composition
23 standards, benchmarks, requirements, or
24 disclosures based on characteristics protected

1 under the applicable provisions of any civil
2 rights statute of the state, or

3 (4) policies or procedures requiring or encouraging
4 employee participation in social justice
5 programming, including, but not limited to,
6 diversity, equity, or inclusion training.

7 C. Beginning on the effective date of this act, and not later
8 than the end of October of each year thereafter, financial
9 institutions subject to the provisions of this act must attest,
10 under penalty of perjury, on a form prescribed by the Attorney
11 General whether the entity is acting in compliance with subsections
12 A and B of this section.

13 D. Engaging in a practice described in subsection B of this
14 section or failing to timely provide the attestation under
15 subsection C of this section is a failure to comply with this act,
16 constitutes a violation of the financial institution codes, and is
17 subject to the applicable sanctions and penalties provided for in
18 this act.

19 E. A private right of action shall exist in order to enforce
20 the requirements of this act.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 7501 of Title 36, unless there
23 is created a duplication in numbering, reads as follows:
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1 It shall be unlawful for any insurance company to refuse to
2 insure or charge a different insurance premium rate solely in
3 consideration of the risks relating to environmental, social, and
4 governance criteria: diversity, equity, and inclusion (ESG)
5 policies; or political and ideological factors, unless the refusal
6 or different rate is the result of the application of sound
7 underwriting and actuarial principles related to actual or
8 reasonably anticipated loss experience.

9 SECTION 6. AMENDATORY 78 O.S. 2021, Section 53, is
10 amended to read as follows:

11 Section 53. A. A person engages in a deceptive trade practice
12 when in the course of business, vocation, or occupation, the person:

- 13 1. Passes off goods or services as those of another;
- 14 2. Knowingly makes a false representation as to the source,
15 sponsorship, approval, or certification of goods or services;
- 16 3. Knowingly makes a false representation as to affiliation,
17 connection, association with, or certification by another;
- 18 4. Uses deceptive representations or designations of geographic
19 origin in connection with goods or services;
- 20 5. Knowingly makes a false representation as to the
21 characteristics, ingredients, uses, benefits or quantities of goods
22 or services or a false representation as to the sponsorship,
23 approval, status, affiliation, or connection of a person therewith;
- 24 6. Represents that goods are original or new if they are not;

1 7. Represents that goods or services are a particular standard,
2 quality, or grade, or that goods are a particular style or model, if
3 they are another;

4 8. Disparages the goods, services, or business of another by
5 false or misleading representation of fact;

6 9. Advertises goods or services which differ from those offered
7 for sale in the advertisements;

8 10. Advertises goods or services with intent not to supply
9 reasonably expectable public demand, unless the advertisement
10 discloses a limitation of quantity;

11 11. Makes false or misleading statements of fact concerning the
12 reasons for, existence of, or amounts of price reductions;

13 12. Advertises the price of an item after deduction of a rebate
14 unless the actual selling price is advertised and clear and
15 conspicuous notice is given in the advertisement that a mail-in
16 rebate is required to achieve the lower net price;

17 13. Misrepresents the geographic location of the supplier by
18 listing a fictitious business name or an assumed business name in a
19 local telephone directory if:

20 a. the name misrepresents the geographic location of the
21 supplier,

22 b. the listing fails to identify the locality and state
23 of the business of the supplier,

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1 c. calls to the local telephone number are routinely
2 forwarded or otherwise transferred to a business
3 location that is outside the calling area covered by
4 the local telephone directory, or

5 d. the business location of the supplier is located in a
6 county that is not contiguous to a county in the
7 calling area covered by the local telephone directory;

8 14. Lists a fictitious business name or assumed business name
9 in a directory assistance database if:

10 a. the name misrepresents the geographic location of the
11 supplier,

12 b. calls to the local telephone number are routinely
13 forwarded or otherwise transferred to a business
14 location that is outside the local calling area, or

15 c. the business location of the supplier is located in a
16 county that is not contiguous to a county in the local
17 calling area; ~~or~~

18 15. Violates any provision of the Revised Uniform Athlete
19 Agents Act; or

20 16. Violates the provisions of the Oklahoma Consumer Protection
21 Through Fair Access to Financial Services Act.

22 B. Evidence that a person has engaged in a deceptive trade
23 practice shall be prima facie evidence of intent to injure
24 competitors and to destroy or substantially lessen competition.

1 C. The deceptive trade practices listed in this section are in
2 addition to and do not limit the types of unfair trade practices
3 actionable at common law or under other statutes of this state.

4 SECTION 7. This act shall become effective November 1, 2024.

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