

2025 Regular Session

HOUSE BILL NO. 368

BY REPRESENTATIVE ST. BLANC

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONSUMERS: Provides relative to earned wage access services

1 AN ACT

2 To enact Chapter 5 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 9:3591.1 through 3591.5, relative to
4 consumer-directed earned wage access services; to provide definitions; to require and
5 prohibit certain acts of providers of earned wage access services; to provide for
6 statutory compliance and applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 5 of Code Title XII of Code Book III of Title 9 of the Louisiana
9 Revised Statutes of 1950, comprised of R.S. 9:3591.1 through 3591.5, is hereby enacted to
10 read as follows:

11 CHAPTER 5. LOUISIANA EARNED WAGE ACCESS SERVICES

12 §3591.1. Short title

13 This Chapter shall be known and may be cited as the "Louisiana Earned
14 Wage Access Services Act".

15 §3591.2. Definitions

16 As used in this Chapter, the following terms have the following meanings
17 ascribed to them:

18 (1) "Consumer" means a natural person residing in this state. A provider
19 may use the mailing address provided by a consumer or the consumer's employer to
20 determine the consumer's state of residence.

1 (2) "Consumer-directed earned wage access services" means the business of
2 delivering to consumers access to earned but unpaid income based on the consumer's
3 representation and the provider's reasonable determination of the consumer's earned
4 but unpaid income.

5 (3) "Earned but unpaid income" means the salary, wages, compensation, or
6 other income that a consumer or an employer has represented and, that a provider has
7 reasonably determined, has been earned or has accrued to the benefit of the consumer
8 in exchange for the consumer's provision of services to an employer or on behalf of
9 an employer, including services provided on an hourly, project-based, piecework, or
10 other basis or when the consumer is an independent contractor of the employer, but,
11 which has not, at the time of the payment of proceeds, been paid to the consumer by
12 the employer.

13 (4) "Earned wage access services" means consumer-directed earned wage
14 access services or employer-integrated earned wage access services, or both.

15 (5) "Employer" means a person who employs a consumer or any other
16 person who is contractually obligated to pay a consumer's earned but unpaid income
17 in exchange for a consumer's provision of services to the person or on behalf of the
18 person, including but not limited to a consumer who is employed on an hourly basis,
19 a project-based, a piecework, or other basis or as independent contractor with respect
20 to the person. "Employer" does not mean a customer of an employer or any other
21 person whose obligation to make a payment of salary, wages, compensation, or other
22 income to a consumer is not based on the provision of services by the consumer for
23 or on behalf of the person.

24 (6) "Employer-integrated earned wage access services" means the business
25 of delivering to consumers access to earned but unpaid income that is based on
26 employment, income, and attendance data obtained directly or indirectly from an
27 employer, including without limitation an employer's payroll service provider.

28 (7) "Fee" means a charge imposed by a provider for delivery or expedited
29 delivery of proceeds to a consumer, a subscription or membership charge imposed

1 by a provider for a bona fide group of services that include earned wage access
2 services, or an amount paid by an employer to a provider on a consumer's behalf,
3 which entitles the consumer to receive proceeds at reduced or no cost to the
4 consumer. "Fee" does not mean a voluntary tip, gratuity, or donation.

5 (8) "Outstanding proceeds" means a payment of proceeds to a consumer by
6 a provider that has not yet been repaid to that provider.

7 (9) "Proceeds" means a payment to a consumer by a provider that is based
8 on earned but unpaid income.

9 (10) "Provider" means a person that is engaged in the business of offering
10 and providing earned wage access services to consumers. "Provider" does not
11 include any of the following:

12 (a) A service provider, such as a payroll service provider, whose role may
13 include verifying the available earnings but who is not contractually obligated to
14 fund proceeds delivered as part of an earned wage access service.

15 (b) An employer that offers a portion of salary, wages, or compensation
16 directly to his employees or independent contractors prior to the normally scheduled
17 pay date.

18 (c) An entity that offers or provides earned wage access services and reports
19 a consumer's payment or nonpayment of outstanding proceeds, fees, or voluntary
20 tips, gratuities, or other donations in connection with the earned wage access services
21 to a consumer reporting agency, as defined in Section 603(p) of the federal Fair
22 Credit Reporting Act, 15 U.S.C. 1681a(p).

23 §3591.3. Required acts of a provider

24 A provider shall:

25 (1) Develop and implement policies and procedures for responding to
26 questions raised by consumers and addressing complaints from consumers.

27 (2) Before entering into an agreement with a consumer for the provision of
28 earned wage access services, do all of the following:

29 (a) Inform the consumer of the consumer's rights under the agreement.

1 **(b) Fully and clearly disclose to the consumer all provider-imposed fees or**
2 **a schedule of fees associated with the provision of earned wage access services.**

3 **(3) Inform the consumer of any material changes to the terms and conditions**
4 **of the earned wage access services agreement before implementing those changes.**

5 **(4) Allow the consumer to cancel use of the provider's earned wage access**
6 **services at any time, without incurring a fee for that cancellation.**

7 **(5) Whenever he offers a consumer the option to receive proceeds for a fee**
8 **or solicits a tip, gratuity, or other donation, provide the consumer at least one**
9 **reasonable option to obtain the same amount of proceeds at no cost and clearly**
10 **explain how the consumer may select the no-cost option.**

11 **(6) Comply with all applicable local, state, and federal privacy and**
12 **information security laws.**

13 **(7) Provide proceeds to a consumer via any means mutually agreed upon by**
14 **the consumer and the provider.**

15 **(8) If he seeks repayment of outstanding proceeds, fees, voluntary tips,**
16 **gratuities, or other donations from a consumer's account at a depository institution,**
17 **including via electronic transfer, do all of the following:**

18 **(a) Comply with applicable provisions of the federal Electronic Fund**
19 **Transfer Act, 15 U.S.C. 1693 et seq., and its implementing regulations.**

20 **(b) Reimburse the consumer for the full amount of any overdraft or non-**
21 **sufficient funds fees imposed on that consumer by the consumer's depository**
22 **institution, which were caused by the provider's attempt to seek payment of any**
23 **outstanding proceeds, fees, voluntary tips, gratuities, or other donations on a date**
24 **before, or in an incorrect amount from, the date or amount disclosed to the consumer.**
25 **The provisions of this Subparagraph shall not apply with respect to payments of**
26 **outstanding proceeds, fees, tips, gratuities, or other donations incurred by a consumer**
27 **through fraudulent means.**

28 **(9) If he solicits or receives a tip, gratuity, or donation from a consumer, do**
29 **all of the following:**

1 (a) Clearly and conspicuously disclose to the consumer immediately prior
2 to each transaction that a tip, gratuity, or donation amount may be zero and is
3 voluntary.

4 (b) Clearly and conspicuously disclose in the agreement with the consumer
5 that tips, gratuities, or donations are voluntary and that the offering of earned wage
6 access services, including the amount of proceeds a consumer is eligible to request
7 and the frequency with which proceeds are provided to a consumer, is not contingent
8 on whether the consumer pays any tip, gratuity, or donation or on the size of any tip,
9 gratuity, or donation.

10 §3591.4. Prohibited acts of a provider

11 A provider shall not:

12 (1) Compel or attempt to compel repayment by a consumer of outstanding
13 proceeds, fees, voluntary tips, gratuities, or other donations through any of the
14 following means:

15 (a) By initiating a civil suit against the consumer in a court of competent
16 jurisdiction.

17 (b) By making unsolicited, outbound telephone calls.

18 (c) By using a third party to pursue collection of outstanding proceeds or
19 payments on the provider's behalf.

20 (d) By selling any outstanding amounts to a third-party debt collector or debt
21 purchaser.

22 (2) Share with an employer any fees, voluntary tips, gratuities, or other
23 donations that were received from or charged to a consumer for earned wage access
24 services.

25 (3) Require a consumer's credit or credit score to determine a consumer's
26 eligibility for earned wage access services.

27 (4) Accept payment from a consumer of outstanding proceeds, fees,
28 voluntary tips, gratuities, or donations via credit card or charge card.

1 (5) Charge a late fee, deferral fee, interest, or any other charge for failure to
2 repay outstanding proceeds, fees, voluntary tips, gratuities, or other donations.

3 (6) Condition the amount of proceeds a consumer is eligible to request or the
4 frequency with which a consumer is eligible to request proceeds on whether the
5 consumer pays fees, voluntary tips, gratuities, or other donations or on the size of
6 any fee, voluntary tip, gratuity, or donation.

7 (7) If he solicits or accepts voluntary tips, gratuities, or other donations,
8 mislead or deceive consumers about the voluntary nature of the tips, gratuities, or
9 other donations or make representations that tips, gratuities, or other donations will
10 benefit any specific individuals.

11 §3591.5. Statutory compliance; applicability

12 A provider shall not deemed to be engaging in lending, a money
13 transmission, or a debt collection in this state or in violation of the laws of this state
14 relating to the payment of minimum or overtime wages, deductions from payroll,
15 salary, wages, compensation or other income, or the sale or assignment of, or an
16 order for earned but unpaid income, if that provider complies with the provisions of
17 R.S. 9:3591.3 and 3591.4.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 368 Original

2025 Regular Session

St. Blanc

Abstract: Provides relative to earned wage access services and requires and prohibits certain acts relative to a provider of earned wage access services.

Proposed law provides that proposed law shall be known and may be cited as the "La. Earned Wage Access Services Act".

Proposed law defines consumer, consumer-directed earned wage access services, earned but unpaid income, earned wage access services, employer, employer-integrated earn wage access services, fee, outstanding proceeds, proceeds, and provider.

Proposed law requires a provider to:

- (1) Develop and implement policies and procedures for responding to questions raised by consumers and addressing complaints from consumers.

- (2) Before entering into an agreement with a consumer for the provision of earned wage access services, do all of the following:
 - (a) Inform the consumer of the consumer's rights under the agreement.
 - (b) Fully and clearly disclose to the consumer all provider-imposed fees or a schedule of fees associated with the provision of earned wage access services.
- (3) Inform the consumer of any material changes to the terms and conditions of the earned wage access services agreement before implementing those changes.
- (4) Allow the consumer to cancel use of the provider's earned wage access services at any time, without incurring a fee for that cancellation.
- (5) Whenever he offers a consumer the option to receive proceeds for a fee or solicits a tip, gratuity, or other donation, provide the consumer at least one reasonable option to obtain the same amount of proceeds at no cost and clearly explain how the consumer may select the no-cost option.
- (6) Comply with all applicable local, state, and federal privacy and information security laws.
- (7) Provide proceeds to a consumer via any means mutually agreed upon by the consumer and the provider.
- (8) If he seeks repayment of outstanding proceeds, fees, voluntary tips, gratuities, or other donations from a consumer's account at a depository institution, including via electronic transfer, do all of the following:
 - (a) Comply with applicable provisions of federal law.
 - (b) Reimburse the consumer for the full amount of any overdraft or non-sufficient funds fees imposed on that consumer by the consumer's depository institution, which were caused by the provider's attempt to seek payment of any outstanding proceeds, fees, voluntary tips, gratuities, or other donations on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer. Proposed law shall not apply in situations where the customer incurred the aforementioned monetary amounts through fraudulent means.
- (9) If he solicits or receives a tip, gratuity, or donation from a consumer, do all of the following:
 - (a) Clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or donation amount may be zero and is voluntary.
 - (b) Clearly and conspicuously disclose in the agreement with the consumer that tips, gratuities, or 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 any tip, gratuity, or donation or on the size of any tip, gratuity, or donation.

Proposed law prohibits a provider to:

- (1) Compel or attempt to compel repayment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations through any of the following means:
 - (a) By initiating a civil suit against the consumer in a court of competent jurisdiction.
 - (b) By making unsolicited, outbound telephone calls.
 - (c) By using a third party to pursue collection of outstanding proceeds or payments on the provider's behalf.
 - (d) By selling any outstanding amounts to a third-party debt collector or debt purchaser.
- (2) Share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services.
- (3) Require a consumer's credit or credit score to determine a consumer's eligibility for earned wage access services.
- (4) Accept payment from a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or donations via credit card or charge card.
- (5) Charge a late fee, deferral fee, interest, or any other charge for failure to repay outstanding proceeds, fees, voluntary tips, gratuities, or other donations.
- (6) Condition the amount of proceeds a consumer is eligible to request or the frequency with which a consumer is eligible to request proceeds on whether the consumer pays fees, voluntary tips, gratuities, or other donations or on the size of any fee, voluntary tip, gratuity, or donation.
- (7) If he solicits or accepts voluntary tips, gratuities, or other donations, mislead or deceive consumers about the voluntary nature of the tips, gratuities, or other donations or make representations that tips, gratuities, or other donations will benefit any specific individuals.

Proposed law provides that the provider will not be considered as engaging in lending, a money transmission, or a debt collection in this state or in violation of the laws of this state relating to the payment of minimum or overtime wages, deductions from payroll, salary, wages, compensation or other income, or the sale or assignment of, or an order for earned but unpaid income, if the provider complies with the provisions of proposed law.

(Adds R.S. 9:3591.1-3591.5)