

1 **SENATE FLOOR VERSION**

2 April 12, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3505

By: Provenzano and Phillips of
the House

5 and

6 Montgomery of the Senate

7
8 An Act relating to student loans; amending 24 O.S.
9 2021, Section 172, which relates to the Oklahoma
10 Student Borrower's Bill of Rights Act; prohibiting
11 student loan servicer from failing to provide certain
12 loan forgiveness information; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 24 O.S. 2021, Section 172, is
16 amended to read as follows:

17 Section 172. A. The Attorney General shall prepare a written
18 statement that includes an "Oklahoma Student Borrower's Bill of
19 Rights" for a student loan borrower who takes out a student
20 education loan that is serviced by a student loan servicer. The
21 statement shall incorporate all items from subsection B of this
22 section and be made available to the public and written in plain
23 language designed to be easily understood by the average student
24 loan borrower.

B. No student loan servicer shall:

- 1 1. Directly or indirectly employ any scheme, device or artifice
2 to defraud or mislead student loan borrowers;
- 3 2. Engage in any unfair or deceptive practice toward any person
4 or misrepresent or omit any material information in connection with
5 the servicing of a student education loan including, but not limited
6 to, misrepresenting the amount, nature or terms of any fee or
7 payment due or claimed to be due on a student education loan, the
8 terms and conditions of the loan agreement or the borrower's
9 obligations under the loan;
- 10 3. Obtain property by fraud or misrepresentation;
- 11 4. Incorrectly apply or fail to apply student education loan
12 payments to the outstanding balance of a student education loan;
- 13 5. Provide inaccurate information to a credit bureau, thereby
14 harming a student loan borrower's creditworthiness;
- 15 6. Fail to report both the favorable and unfavorable payment
16 history of the student loan borrower to a nationally recognized
17 consumer credit bureau at least annually if the student loan
18 servicer regularly reports information to a credit bureau, except in
19 the case of loan rehabilitation;
- 20 7. Refuse to communicate with an authorized representative of
21 the student loan borrower who provides a written authorization
22 signed by the student loan borrower, provided the student loan
23 servicer may adopt procedures reasonably related to verifying that
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1 the representative is in fact authorized to act on behalf of the
2 student loan borrower;

3 8. Make any false statement or misrepresentation by omission of
4 a material fact in connection with any information or reports filed
5 with a governmental agency or in connection with any investigation
6 conducted by a governmental agency;

7 9. Fail to inform borrowers of the federal income repayment
8 options before offering deferment or forbearance as an option; or

9 10. ~~Inform~~ Fail to inform student loan ~~borrower~~ borrowers if
10 their type of loan does not qualify for loan forgiveness programs.

11 SECTION 2. This act shall become effective November 1, 2022.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
13 April 12, 2022 - DO PASS

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