

COMMITTEE ON REGULATORY AFFAIRS AND GOVERNMENT EFFICIENCY
SENATE AMENDMENTS TO S.B. 1582
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 6-126, Arizona Revised Statutes, is amended to
3 read:

4 6-126. Application fees for financial institutions and
5 enterprises

6 A. The following nonrefundable fees are payable to the department
7 with the filing of the following:

8 1. To apply for a banking permit, \$1,000.

9 2. To apply for an amendment to a banking or savings and loan
10 association permit, \$1,000.

11 3. To establish each banking branch office, \$750.

12 4. To move a banking office to other than an established office of
13 a bank, \$1,000.

14 5. To apply for a savings and loan association permit, \$5,000.

15 6. To establish each savings and loan association branch office,
16 \$1,500.

17 7. To move an office of a savings and loan association to other
18 than an established office, \$1,000.

19 8. To organize and establish a credit union, \$100.

20 9. To establish each credit union branch or to move a credit union
21 office to other than an established office of a credit union, \$250.

22 10. To organize and establish any other financial institutions for
23 which an application or investigation fee is not otherwise provided by
24 law, \$1,000.

25 11. To acquire control of a financial institution other than a
26 consumer lender, \$5,000.

27 12. To apply for a trust company license, \$1,000.

28 13. To apply for a commercial mortgage banker, mortgage banker,
29 escrow agent or consumer lender license, \$1,000.

1 14. To apply for a mortgage broker, commercial mortgage broker,
2 sales finance company or debt management company license, \$500.
3 15. To apply for a collection agency license, \$1,500.
4 16. To apply for a branch office of an escrow agent, consumer
5 lender, commercial mortgage banker, mortgage banker or trust company,
6 \$500.
7 17. To apply for a branch office of a mortgage broker, commercial
8 mortgage broker, debt management company[.] [OR] sales finance company [OR
9 EARNED WAGE ACCESS PROVIDER], \$250.
10 18. To apply for approval for the merger or consolidation of two or
11 more financial institutions, \$5,000 per institution.
12 19. To apply for approval to convert from a national bank or
13 federal savings and loan charter to a state chartered institution, \$1,000.
14 20. To apply for approval to convert from a federal credit union to
15 a state chartered credit union, \$500.
16 21. To apply for approval to merge or consolidate two or more
17 credit unions, \$500 per credit union.
18 22. To change the licensee name on a financial institution or
19 enterprise license, except for a loan originator or appraiser license, not
20 more than \$250.
21 23. To apply for a license pursuant to chapter 12, article 1 of
22 this title, \$1,500 plus \$25 for each branch office and authorized delegate
23 to a maximum of \$4,500.
24 24. To acquire control of a person that is licensed pursuant to
25 chapter 12, article 1 of this title or a controlling person pursuant to
26 chapter 12 of this title, \$2,500.
27 25. To receive the following publications:
28 (a) Quarterly bank and savings and loan statement of condition, not
29 more than \$10 per copy.
30 (b) Monthly summary of actions report, not more than \$5 per copy.
31 (c) A list of licensees, a monthly pending actions report and all
32 other in-house prepared reports or listings made available to the public,
33 not more than \$1 per page.
34 26. To apply for a loan originator license, an amount to be
35 determined by the deputy director.
36 27. To apply for a loan originator license transfer, an amount to
37 be determined by the deputy director.
38 28. To apply for a conversion from a mortgage banker license to a
39 mortgage broker license, an amount to be determined by the deputy
40 director.
41 29. For a premium finance company, \$300 plus \$300 for each branch
42 office.
43 30. For an advance fee loan broker, \$50.
44 31. TO APPLY FOR AN EARNED WAGE ACCESS SERVICES PROVIDER LICENSE,
45 A FEE ESTABLISHED BY THE DIRECTOR IN RULE.]
46 B. On application for a license or permit for an enterprise or
47 consumer lender, the applicant shall pay the first year's annual

1 assessment listed in subsection D of this section, prorated according to
2 the number of quarters remaining until the date of the next annual
3 assessment or renewal. If the result of the application ends in a denial,
4 the department shall refund the prorated annual assessment that the
5 applicant paid. Annual renewal fees are nonrefundable.

6 C. On issuance of a license or permit for a financial institution,
7 the department shall collect the first year's annual assessment or renewal
8 fee for the financial institution, except for a consumer lender that paid
9 on application, prorated according to the number of quarters remaining
10 until the date of the next annual assessment or renewal.

11 D. The following annual assessments and renewal fees shall be paid
12 each year:

13 1. For an escrow agent or trust company, \$1,000 plus \$250 for each
14 branch office.

15 2. For a debt management company or sales finance company, \$500
16 plus \$200 for each branch office.

17 3. For a collection agency, \$600.

18 4. For an inactive mortgage broker or commercial mortgage broker,
19 \$250.

20 5. For a mortgage banker that negotiates or closes in the aggregate
21 one hundred loans or less in the immediately preceding calendar year,
22 \$750, and for a mortgage banker that negotiates or closes in the aggregate
23 over one hundred loans in the immediately preceding calendar year,
24 \$1,250. In addition, a mortgage banker shall pay \$250 for each branch
25 office.

26 6. For a commercial mortgage banker, \$1,250. In addition, a
27 commercial mortgage banker shall pay \$250 for each branch office.

28 7. For a mortgage broker or commercial mortgage broker that
29 negotiates or closes in the aggregate fifty loans or less in the
30 immediately preceding calendar year, \$250 and for a mortgage broker or
31 commercial mortgage broker that negotiates or closes in the aggregate more
32 than fifty loans in the immediately preceding calendar year, \$500. In
33 addition, a mortgage broker or commercial mortgage broker shall pay \$200
34 for each branch office.

35 8. For a consumer lender, \$1,000 plus \$200 for each branch office.

36 9. For a ~~licensee~~ PERSON THAT IS LICENSED pursuant to chapter 12,
37 article 1 of this title, \$500 plus \$25 for each branch office and each
38 authorized delegate to a maximum of \$2,500.

39 10. For a loan originator, an amount to be determined by the deputy
40 director.

41 11. For a loan originator change to inactive status, an amount to
42 be determined by the deputy director.

43 12. For a premium finance company, \$300 plus \$300 for each branch
44 office.

45 13. For an advance fee loan broker, \$25.

46 14. FOR AN EARNED WAGE ACCESS SERVICES PROVIDER, [~~\$1,000~~] [A FEE
47 ESTABLISHED BY THE DIRECTOR IN RULE].

1 Sec. 2. Section 6-602, Arizona Revised Statutes, is amended to
2 read:

3 6-602. Exemptions

4 A. This chapter does not apply to:

5 1. A person who does business under any other law of this state, or
6 any other state while regulated by a state agency of that other state, or
7 of the United States, relating to banks, savings banks, trust companies,
8 savings and loan associations, profit sharing and pension trusts, credit
9 unions, insurance companies or receiverships if the consumer lender loan
10 transactions are regulated by the other law or are under the jurisdiction
11 of a court.

12 2. A person who is licensed as a pawnbroker pursuant to title 44,
13 chapter 11, article 3 to the extent that the person's activities are
14 governed by that article.

15 3. A person who is not regularly engaged in the business of making
16 consumer lender loans.

17 4. A person who is licensed pursuant to chapter 9 of this title to
18 the extent that the person's activities are governed by that chapter.

19 5. A PERSON WHO IS LICENSED AS A EARNED WAGE ACCESS PROVIDER
20 PURSUANT TO CHAPTER 18 OF THIS TITLE.

21 B. The requirements of this chapter do not apply to:

22 1. Closed end loans of more than \$10,000.

23 2. Advances on open end revolving loans that are not secured by the
24 consumer's principal residence with an agreed on credit limit of more than
25 \$10,000, regardless of the amount of any advances on these revolving
26 loans.

27 3. Advances on open end revolving loans that are secured by the
28 consumer's principal residence with an agreed on credit limit of more than
29 \$10,000, regardless of the amount of any advances on these revolving
30 loans.

31 4. Consumer lender loans that are lawfully made to nonresidents of
32 the state in any other state under and in accordance with a regulatory
33 consumer lender law similar in principle to this chapter.

34 5. Educational loans that are either:

35 (a) Made, insured or guaranteed pursuant to a program authorized by
36 the United States, this state or any other state.

37 (b) Made by a nonprofit organization that is exempt from taxation
38 under section 501(c)(3) of the internal revenue code to students who
39 attend postsecondary educational institutions in this state.

40 6. EARNED WAGE ACCESS SERVICE TRANSACTIONS AND RELATED PAYMENTS
41 REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE.

42 C. A consumer loan made pursuant to a consumer lender license is
43 not a secondary motor vehicle finance transaction as defined in section
44 44-281.

1 Sec. 3. Section 6-1202, Arizona Revised Statutes, is amended to
2 read:

3 6-1202. Exemptions

4 A. This article does not apply to any of the following:

5 1. An operator of a payment system that provides processing,
6 clearing or settlement services between or among persons exempted by this
7 section or licensees in connection with wire transfers, credit card
8 transactions, debit card transactions, stored value transactions,
9 automated clearinghouse transfers, EARNED WAGE ACCESS SERVICE TRANSACTIONS
10 REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE or similar transfers of
11 money.

12 2. A person appointed as an agent of a payee to collect and process
13 a payment from a payor to the payee for goods or services, other than
14 money transmission, provided to the payor by the payee, if all of the
15 following apply:

16 (a) A written agreement exists between the payee and the agent
17 directing the agent to collect and process payments from payors on the
18 payee's behalf.

19 (b) The payee holds the agent out to the public as accepting
20 payments for goods or services on the payee's behalf.

21 (c) Payment for the goods and services is treated as received by
22 the payee on receipt by the agent so that the payor's obligation is
23 extinguished and there is no risk of loss to the payor if the agent fails
24 to remit the money to the payee.

25 3. A person that acts as an intermediary by processing payments
26 between an entity that has directly incurred an outstanding money
27 transmission obligation to a sender and the sender's designated recipient,
28 if the entity meets all of the following criteria:

29 (a) Is properly licensed or exempt from the licensing requirements
30 under this article.

31 (b) Provides a receipt, electronic record or other written
32 confirmation to the sender identifying the entity as the provider of money
33 transmission in the transaction.

34 (c) Bears sole responsibility to satisfy the outstanding money
35 transmission obligation to the sender, including the obligation to make
36 the sender whole in connection with any failure to transmit the money to
37 the sender's designated recipient.

38 4. The United States or a department, an agency or an
39 instrumentality of the United States or its agent.

40 5. Money transmission by the United States postal service or by an
41 agent of the United States postal service.

42 6. A state, county, city or town or any other governmental agency
43 or governmental subdivision or instrumentality of a state or its agent.

1 7. A federally insured depository financial institution, A bank
2 holding company, AN office of an international banking corporation, A
3 foreign bank that establishes a federal branch pursuant to 12 United
4 States Code section 3102, a corporation organized as a bank service
5 company pursuant to 12 United States Code sections 1861 through 1867 or a
6 corporation organized pursuant to 12 United States Code sections 611
7 through 633.

8 8. AN electronic funds transfer of governmental benefits for a
9 federal, state, county or governmental agency by a contractor on behalf of
10 the United States or a department, agency or instrumentality of the United
11 States or on behalf of a state or governmental subdivision, agency or
12 instrumentality of a state.

13 9. A board of trade designated as a contract market under the
14 commodity exchange act (7 United States Code sections 1 through ~~26~~ 27f) or
15 a person that, in the ordinary course of business, provides clearance and
16 settlement services for a board of trade to the extent of its operation as
17 or for the board of trade.

18 10. A registered futures commission merchant under the federal
19 commodities laws to the extent of its operation as a merchant.

20 11. A person registered as a securities broker or dealer under
21 federal or state securities laws to the extent of the person's operation.

22 12. An individual employed by a licensee, an authorized delegate or
23 any person exempt from the licensing requirements of this article when
24 acting within the scope of employment and under the supervision of the
25 licensee, authorized delegate or exempt person as an employee and not as
26 an independent contractor.

27 13. A person expressly appointed as a third-party service provider
28 to or agent of an entity exempt under paragraph 7 of this subsection
29 solely to the extent that both:

30 (a) The service provider or agent is engaging in money transmission
31 on behalf of and pursuant to a written agreement with the exempt entity
32 that sets forth the specific functions that the service provider or agent
33 is to perform.

34 (b) The exempt entity assumes all risk of loss and all legal
35 responsibility for satisfying the outstanding money transmission
36 obligations owed to purchasers and holders of the outstanding money
37 transmission obligations on receipt of the purchaser's or holder's money
38 or monetary value by the service provider or agent.

39 14. A person exempt by regulation or order if the director finds
40 such exemption to be in the public interest and that regulating the person
41 is not necessary for the purposes of this article.

42 B. The director may require that any person claiming to be exempt
43 from licensing pursuant to this section provide information and
44 documentation to the director demonstrating that the person qualifies for
45 any claimed exemption.

1 Sec. 4. Title 6, Arizona Revised Statutes, is amended by adding
2 chapter 18, to read:

3 CHAPTER 18

4 EARNED WAGE ACCESS

5 ARTICLE 1. GENERAL PROVISIONS

6 6-1801. Definitions

7 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "BUSINESS ENTITY" MEANS ANY CORPORATION, LIMITED LIABILITY
9 COMPANY, PARTNERSHIP, ASSOCIATION OR OTHER COMMERCIAL ENTITY.

10 2. "CONSUMER" MEANS AN INDIVIDUAL WHO RESIDES IN THIS STATE.

11 3. "CONSUMER-DIRECTED WAGE ACCESS SERVICES" MEANS DELIVERING TO
12 CONSUMERS ACCESS TO EARNED BUT UNPAID INCOME THAT IS BASED ON THE
13 CONSUMER'S REPRESENTATIONS AND THE PROVIDER'S REASONABLE DETERMINATION OF
14 THE CONSUMER'S EARNED BUT UNPAID INCOME.

15 4. "EARNED BUT UNPAID INCOME" MEANS SALARY, WAGES, COMPENSATION OR
16 OTHER INCOME THAT A CONSUMER OR AN EMPLOYER HAS REPRESENTED AND THAT A
17 PROVIDER HAS REASONABLY DETERMINED HAS BEEN EARNED OR ACCRUED TO THE
18 BENEFIT OF THE CONSUMER IN EXCHANGE FOR THE CONSUMER'S SERVICES TO THE
19 EMPLOYER OR ON BEHALF OF THE EMPLOYER, INCLUDING:

20 (a) ON AN HOURLY, PROJECT-BASED, PIECEWORK OR OTHER BASIS.

21 (b) CIRCUMSTANCES IN WHICH THE CONSUMER IS ACTING AS AN INDEPENDENT
22 CONTRACTOR OF THE EMPLOYER, BUT HAS NOT, AT THE TIME OF THE PAYMENT OF
23 PROCEEDS, BEEN PAID TO THE CONSUMER BY THE EMPLOYER.

24 5. "EARNED WAGE ACCESS SERVICES" MEANS PROVIDING CONSUMER-DIRECTED
25 WAGE ACCESS SERVICES OR EMPLOYER-INTEGRATED WAGE ACCESS SERVICES, OR BOTH.

26 6. "EMPLOYER":

27 (a) MEANS A PERSON THAT EMPLOYS A CONSUMER OR ANY OTHER PERSON THAT
28 IS CONTRACTUALLY OBLIGATED TO PAY A CONSUMER EARNED BUT UNPAID INCOME IN
29 EXCHANGE FOR THE CONSUMER'S PROVISION OF SERVICES TO THE EMPLOYER OR ON
30 BEHALF OF THE EMPLOYER, INCLUDING:

31 (i) ON AN HOURLY, PROJECT-BASED, PIECEWORK OR OTHER BASIS.

32 (ii) CIRCUMSTANCES IN WHICH THE CONSUMER IS ACTING AS AN
33 INDEPENDENT CONTRACTOR ~~[WITH RESPECT TO THE EMPLOYER]~~.

34 (b) DOES NOT INCLUDE:

35 (i) A CUSTOMER OF AN EMPLOYER.

36 (ii) ANY OTHER PERSON WHOSE OBLIGATION TO MAKE A PAYMENT OF SALARY,
37 WAGES, COMPENSATION OR OTHER INCOME TO A CONSUMER IS NOT BASED ON THE
38 PROVISION OF SERVICES BY THAT CONSUMER FOR OR ON BEHALF OF THE PERSON.

39 7. "EMPLOYER-INTEGRATED WAGE ACCESS SERVICES" MEANS DELIVERING TO
40 CONSUMERS ACCESS TO EARNED BUT UNPAID INCOME THAT IS BASED ON EMPLOYMENT,
41 INCOME OR ATTENDANCE DATA OBTAINED DIRECTLY OR INDIRECTLY FROM AN
42 EMPLOYER.

43 8. "FEE":

44 (a) MEANS A FEE IMPOSED BY A PROVIDER FOR DELIVERY OR EXPEDITED
45 DELIVERY OF PROCEEDS TO A CONSUMER OR A SUBSCRIPTION OR MEMBERSHIP FEE
46 IMPOSED BY A PROVIDER FOR A BONA FIDE GROUP OF SERVICES THAT INCLUDES
47 EARNED WAGE ACCESS SERVICES.

1 (b) DOES NOT INCLUDE:

2 (i) VOLUNTARY TIPS.

3 (ii) GRATUITIES.

4 (iii) OTHER DONATIONS.

5 9. "LICENSEE" MEANS A BUSINESS ENTITY THAT IS LICENSED BY THE
6 ~~[DIVISION]~~ ~~[DEPARTMENT]~~ UNDER SECTION 6-1802 AS A PROVIDER.

7 10. "NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY" MEANS A
8 MORTGAGE LICENSING SYSTEM DEVELOPED AND MAINTAINED BY A CONFERENCE OF
9 STATE BANK SUPERVISORS AND AN AMERICAN ASSOCIATION OF RESIDENTIAL MORTGAGE
10 REGULATIONS FOR THE STATE LICENSING AND REGISTRATION OF LICENSED LOAN
11 ORIGINATORS AND REGISTERED LOAN ORIGINATORS OR SUCH A SYSTEM ESTABLISHED
12 BY THE UNITED STATES DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL
13 PROTECTION.

14 11. "OUTSTANDING PROCEEDS" MEANS PROCEEDS THAT WERE REMITTED TO A
15 CONSUMER BY A PROVIDER AND HAVE NOT YET BEEN REPAYED TO THAT PROVIDER.

16 12. "PROCEEDS" MEANS A PAYMENT IN UNITED STATES DOLLARS TO A
17 CONSUMER BY A PROVIDER THAT IS BASED ON EARNED BUT UNPAID INCOME.

18 13. "PROVIDER":

19 (a) MEANS A BUSINESS ENTITY THAT PROVIDES EARNED WAGE ACCESS
20 SERVICES TO CONSUMERS.

21 (b) DOES NOT INCLUDE:

22 (i) A SERVICE PROVIDER, SUCH AS A PAYROLL SERVICE PROVIDER, WHOSE
23 ROLE MAY INCLUDE VERIFYING THE AVAILABLE EARNINGS BUT THAT IS NOT
24 CONTRACTUALLY OBLIGATED TO FUND PROCEEDS DELIVERED AS PART OF AN EARNED
25 WAGE ACCESS SERVICE.

26 (ii) AN EMPLOYER THAT OFFERS A PORTION OF SALARY, WAGES OR
27 COMPENSATION DIRECTLY TO ITS EMPLOYEES OR INDEPENDENT CONTRACTORS BEFORE
28 THE NORMALLY SCHEDULED PAY DATE.

29 6-1802. License; application; fees; bond; definitions

30 A. [BEGINNING JANUARY 1, 2026,] A PROVIDER, WHETHER LOCATED IN THIS
31 STATE OR IN ANOTHER STATE, MAY NOT PROVIDE EARNED WAGE ACCESS SERVICES IN
32 THIS STATE UNLESS THE PROVIDER HAS BEEN ISSUED A LICENSE BY THE ~~[DIVISION]~~
33 ~~[DEPARTMENT]~~.

34 B. A PROVIDER REQUIRED TO BE LICENSED UNDER THIS SECTION SHALL
35 APPLY FOR A LICENSE ON A FORM ~~[AN]~~ [AND] IN A MANNER AS PRESCRIBED BY
36 THE ~~[DIVISION]~~ [DEPARTMENT AND PAY THE FEE AS PRESCRIBED IN SECTION
37 6-126]. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

38 1. THE NAME OF THE PROVIDER.

39 2. THE NAME UNDER WHICH THE PROVIDER TRANSACTS BUSINESS, IF
40 DIFFERENT FROM PARAGRAPH 1 OF THIS SUBSECTION.

41 3. THE ADDRESS OF THE PROVIDER'S PRINCIPAL OFFICE, WHICH MAY BE
42 OUTSIDE OF THIS STATE.

43 4. THE ADDRESSES OF ALL OF THE PROVIDER'S OFFICES OR RETAIL STORES,
44 IF ANY, LOCATED IN THIS STATE.

45 5. IF THE PROVIDER PROVIDES EARNED WAGE ACCESS SERVICES AT A
46 LOCATION THAT IS NOT AN OFFICE OR RETAIL STORE IN THIS STATE, A ~~[BRIEF]~~

1 DESCRIPTION OF THE MANNER IN WHICH THE PROVIDER PROVIDES EARNED WAGE
2 ACCESS SERVICES AND THE PROVIDER'S WEBSITE UNIFORM RESOURCE LOCATOR.

3 6. THE ADDRESS OF THE PROVIDER'S DESIGNATED AGENT ON WHOM SERVICE
4 OF PROCESS MAY BE MADE IN THIS STATE.

5 7. THE PROVIDER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER.

6 8. A FEE SCHEDULE THAT INCLUDES A COMPLETE DESCRIPTION OF ALL THE
7 FEES THAT THE PROVIDER CHARGES OR MAY CHARGE TO PROVIDE ACCESS TO EARNED
8 WAGES.

9 [9. DOCUMENTATION OR OTHER INFORMATION THAT DEMONSTRATES THE
10 CHARACTER, GENERAL FITNESS AND FINANCIAL RESPONSIBILITY OF THE FOLLOWING,
11 AS APPLICABLE:

12 (a) THE APPLICANT.

13 (b) THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.

14 (c) THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A
15 LIMITED LIABILITY COMPANY OR ASSOCIATION.

16 (d) THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A
17 CORPORATION.]

18 ~~[9.]~~ [10.] ANY OTHER INFORMATION THE ~~[DIVISION]~~ [DEPARTMENT]
19 REQUIRES TO ADMINISTER THIS CHAPTER.

20 C. IN ADDITION TO THE APPLICATION UNDER SUBSECTION B OF THIS
21 SECTION, EACH LICENSEE SHALL REGISTER WITH AND MAINTAIN A VALID UNIQUE
22 IDENTIFIER ISSUED BY THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND
23 REGISTRY.

24 D. EACH PROVIDER REQUIRED TO BE LICENSED UNDER THIS SECTION SHALL
25 UPDATE ANY INFORMATION PROVIDED IN ITS LICENSE APPLICATION WITHIN FIFTEEN
26 BUSINESS DAYS AFTER ANY MATERIAL CHANGE IN THAT INFORMATION.

27 ~~[E. A PROVIDER THAT SUBMITS AN APPLICATION FOR A LICENSE UNDER THIS~~
28 ~~SECTION SHALL PAY AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE~~
29 ~~DEPUTY DIRECTOR.~~

30 ~~F.]~~ [E.] A PROVIDER REQUIRED TO BE LICENSED UNDER THIS SECTION
31 SHALL FILE WITH THE ~~[DIVISION]~~ [DEPARTMENT] AND MAINTAIN IN FORCE A SURETY
32 BOND THAT IS ISSUED BY A SURETY COMPANY ADMITTED TO DO BUSINESS IN THIS
33 STATE AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

34 1. IS IN AN AMOUNT EQUAL TO \$50,000.

35 2. IS IN FAVOR OF THIS STATE FOR THE BENEFIT OF ANY PERSON THAT IS
36 DAMAGED BY A VIOLATION OF THIS CHAPTER.

37 3. IS IN FAVOR OF ANY PERSON THAT IS DAMAGED BY A VIOLATION OF THIS
38 CHAPTER.

39 ~~[G.]~~ [F.] A PERSON THAT CLAIMS AGAINST A BOND DESCRIBED UNDER
40 SUBSECTION ~~[F.]~~ [E] OF THIS SECTION FOR A VIOLATION OF THIS CHAPTER MAY
41 MAINTAIN AN ACTION AT LAW AGAINST THE PROVIDER THAT OBTAINED THE SURETY
42 THAT ISSUED THE BOND. THE SURETY IS LIABLE ONLY FOR ACTUAL DAMAGES AND NOT
43 FOR PUNITIVE DAMAGES. THE AGGREGATE LIABILITY OF THE SURETY TO ALL
44 PERSONS DAMAGED BY A PROVIDER'S VIOLATION OF THIS CHAPTER DOES NOT EXCEED
45 THE AMOUNT OF THE BOND.

46 ~~[H.]~~ [G.] ONCE THE APPLICANT SUBMITS AN APPLICATION AND REMITS
47 PAYMENT OF THE APPLICATION FEE, THE ~~[DIVISION]~~ [DEPARTMENT] SHALL CONDUCT

1 A CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY INVESTIGATION
2 OF THE FOLLOWING:

- 3 1. THE APPLICANT.
- 4 2. THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.
- 5 3. THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A
6 LIMITED LIABILITY COMPANY OR ASSOCIATION.
- 7 4. THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A
8 CORPORATION.

9 ~~[F.]~~ [H.] IF THE INVESTIGATION PURSUANT TO SUBSECTION ~~[H-]~~ [G] OF
10 THIS SECTION FINDS RELEVANT FACTS THAT WARRANT THE BELIEF THAT THE
11 APPLICANT'S BUSINESS WILL BE OPERATED IN COMPLIANCE WITH THIS CHAPTER, THE
12 ~~[DIVISION]~~ [DEPARTMENT] SHALL ISSUE A LICENSE~~[, -]~~ AND~~[, -]~~ IF NOT, THE
13 ~~[DIVISION]~~ [DEPARTMENT] SHALL DENY THE APPLICATION FOR A LICENSE.

14 ~~[J-]~~ [I.] THE ~~[DIVISION]~~ [DEPARTMENT] MAY NOT ISSUE A LICENSE TO
15 AN APPLICANT IF ANY OF THE FOLLOWING APPLIES:

16 1. THE APPLICANT FAILS TO PROVIDE ANY INFORMATION REQUIRED UNDER
17 SUBSECTION B OF THIS SECTION.

18 2. THE DEPARTMENT OF REVENUE CERTIFIES THAT THE APPLICANT IS LIABLE
19 FOR DELINQUENT TAXES AS PRESCRIBED IN SECTION 42-1103.

20 ~~[K-]~~ [J.] THE PROVIDER'S LICENSE REMAINS IN FORCE AND EFFECT UNTIL
21 THE ~~[DIVISION]~~ [DEPARTMENT] SUSPENDS OR REVOKES THE LICENSE IN ACCORDANCE
22 WITH THIS CHAPTER OR THE PROVIDER SURRENDERS THE LICENSE. A LICENSEE
23 SHALL APPLY FOR RENEWAL AS PRESCRIBED BY THE ~~[DEPUTY]~~ DIRECTOR AND PAY THE
24 RENEWAL FEE PRESCRIBED IN SECTION 6-126 NOT LATER THAN DECEMBER 31 OF EACH
25 YEAR. FOR EACH DAY AFTER DECEMBER 31 THAT THE RENEWAL APPLICATION IS NOT
26 RECEIVED BY THE ~~[DEPUTY]~~ DIRECTOR, THE APPLICANT SHALL PAY A \$25 LATE FEE
27 IN ADDITION TO THE FEE PRESCRIBED IN SECTION 6-126. IF THE ~~[DEPUTY]~~
28 DIRECTOR DOES NOT RECEIVE THE LICENSEE'S RENEWAL APPLICATION AND FEE ON OR
29 BEFORE DECEMBER 31, THE LICENSEE MAY NOT ACT AS AN EARNED WAGE ACCESS
30 SERVICES PROVIDER UNTIL THE LICENSE IS RENEWED OR A NEW LICENSE IS ISSUED
31 PURSUANT TO THIS ARTICLE. IF THE ~~[DEPUTY]~~ DIRECTOR DOES NOT RECEIVE THE
32 LICENSEE'S RENEWAL APPLICATION AND FEE ON OR BEFORE JANUARY 31, THE
33 LICENSE AUTOMATICALLY EXPIRES. THE HOLDER OF AN EXPIRED LICENSE MAY NOT
34 BE ISSUED A RENEWAL LICENSE BUT MAY BE ISSUED A NEW LICENSE AS PROVIDED IN
35 THIS ARTICLE.

36 ~~[L. A PROVIDER MAY NOT ASSIGN A LICENSE UNLESS IT IS APPROVED BY
37 THE DIVISION OR BY OPERATION OF LAW IN CONNECTION WITH A MERGER OR
38 CONVERSION THAT RESULTS IN SUBSTANTIALLY THE SAME OWNERSHIP AND CONTROL OF
39 THE RESULTING ENTITY. A PROVIDER SHALL NOTIFY THE DIVISION OF A
40 CONVERSION OR MERGER WITHIN FIFTEEN DAYS AFTER THE DATE OF THE CONVERSION
41 OR MERGER. THE CONVERSION OR MERGER MAY BECOME EFFECTIVE ON APPROVAL BY
42 THE DEPUTY DIRECTOR.]~~

43 M.] [K.] A PROVIDER SHALL CONSPICUOUSLY POST ITS LICENSE AT ITS
44 PHYSICAL PLACE OF BUSINESS~~[, -]~~ ~~[OR]~~ ON THE PROVIDER'S WEBSITE ~~[, - IF THE
45 PROVIDER CONDUCTS BUSINESS ON A WEBSITE] [AND ON ANY OFFICIAL
46 CONSUMER-FACING DOCUMENT, AGREEMENT OR CORRESPONDENCE].~~

1 ~~[L. AN APPLICANT MAY APPEAL A DENIAL OF AN APPLICATION PURSUANT TO~~
2 ~~TITLE 41, CHAPTER 6, ARTICLE 10.]~~
3 ~~[N. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION SHALL KEEP~~
4 ~~CONFIDENTIAL THE INFORMATION CONTAINED IN AN APPLICATION FOR A LICENSE~~
5 ~~UNDER SUBSECTION B OF THIS SECTION AND ANY INFORMATION OBTAINED DURING THE~~
6 ~~DIVISION'S CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY~~
7 ~~INVESTIGATION UNDER SUBSECTION H OF THIS SECTION, AND THAT INFORMATION IS~~
8 ~~NOT SUBJECT TO PUBLIC COPYING OR PUBLIC INSPECTION UNDER SECTION 39-121.]~~
9 ~~[O.]~~ [M.] FOR THE PURPOSES OF THIS SECTION:
10 1. "APPLICANT" MEANS A PROVIDER THAT HAS SUBMITTED AN APPLICATION
11 FOR A LICENSE UNDER SUBSECTION B OF THIS SECTION.
12 2. "DIRECTOR" MEANS A MEMBER OF THE APPLICANT'S OR LICENSEE'S BOARD
13 OF DIRECTORS.
14 3. "MEMBER", EXCEPT UNDER PARAGRAPH 2 OF THIS SUBSECTION, MEANS A
15 PERSON WHO EITHER:
16 (a) HAS THE RIGHT TO RECEIVE ON DISSOLUTION.
17 (b) HAS CONTRIBUTED TEN PERCENT OR MORE OF THE CAPITAL CONTRIBUTION
18 OF AN APPLICANT OR LICENSEE THAT IS ORGANIZED AS A LIMITED LIABILITY
19 COMPANY OR ASSOCIATION OR IS OTHERWISE ENTITLED TO RECEIVE TEN PERCENT OR
20 MORE OF THE RIGHTS AND BENEFITS OF THE MEMBERSHIP INTEREST OWNERSHIP IN
21 THE LIMITED LIABILITY COMPANY OR ASSOCIATION.
22 4. "OFFICER":
23 (a) MEANS A PERSON WHO PARTICIPATES OR HAS AUTHORITY TO
24 PARTICIPATE, OTHER THAN IN THE CAPACITY OF A DIRECTOR, IN MAJOR
25 POLICYMAKING FUNCTIONS OF AN APPLICANT OR LICENSEE, WHETHER OR NOT THE
26 PERSON HAS AN OFFICIAL TITLE.
27 (b) INCLUDES THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER,
28 CHIEF OPERATIONS OFFICER, CHIEF LEGAL OFFICER, CHIEF CREDIT OFFICER AND
29 CHIEF COMPLIANCE OFFICER, EACH EXECUTIVE VICE PRESIDENT OR SENIOR VICE
30 PRESIDENT AND ANY OTHER PERSON MEETING THE STANDARD UNDER THIS PARAGRAPH.
31 5. "PARTNER" MEANS A PERSON THAT EITHER:
32 (a) HAS THE RIGHT TO RECEIVE ON DISSOLUTION.
33 (b) HAS CONTRIBUTED TEN PERCENT OR MORE OF THE CAPITAL CONTRIBUTION
34 OF AN APPLICANT OR LICENSEE THAT IS ORGANIZED AS A PARTNERSHIP.
35 6-1803. Provider requirements; limitations
36 A. A PROVIDER REQUIRED TO BE LICENSED UNDER SECTION 6-1802 SHALL DO
37 ALL OF THE FOLLOWING:
38 1. DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO RESPOND TO
39 QUESTIONS RAISED BY CONSUMERS AND ADDRESS COMPLAINTS FROM CONSUMERS IN AN
40 EXPEDIENT MANNER~~[, INCLUDING REIMBURSING A CONSUMER PURSUANT TO PARAGRAPH~~
41 9, SUBDIVISION (b) OF THIS SUBSECTION].
42 2. OFFER AT LEAST ONE REASONABLE OPTION TO A CONSUMER TO OBTAIN
43 PROCEEDS AT NO COST AND CLEARLY EXPLAIN TO THE CONSUMER HOW TO ELECT THAT
44 NO COST OPTION.
45 3. BEFORE ENTERING INTO AN AGREEMENT WITH A CONSUMER FOR EARNED
46 WAGE ACCESS SERVICES, DO ALL OF THE FOLLOWING:

1 (a) INFORM THE CONSUMER OF THE CONSUMER'S RIGHTS UNDER THE
2 AGREEMENT IN WRITING.

3 (b) FULLY AND CLEARLY DISCLOSE ALL FEES ASSOCIATED WITH THE EARNED
4 WAGE ACCESS SERVICES AND THE DIFFERENCE BETWEEN THE SERVICES AND THE NO
5 FEE OPTION.

6 [(c) EXPLAIN THE PROCEDURES THE PROVIDER WILL FOLLOW IF THE
7 PROVIDER'S FIRST ATTEMPT TO COLLECT OUTSTANDING PROCEEDS AND ANY
8 ASSOCIATED FEES, TIPS, GRATUITIES AND OTHER DONATIONS IS UNSUCCESSFUL.]

9 4. [INFORM] [OBTAIN THE CONSENT OF] THE CONSUMER [OF] [FOR] ANY
10 MATERIAL CHANGE TO THE TERMS AND CONDITIONS OF THE EARNED WAGE ACCESS
11 SERVICES [OR MAKE MATERIAL CHANGES AVAILABLE FOR AT LEAST THIRTY DAYS]
12 BEFORE IMPLEMENTING THAT CHANGE FOR THE CONSUMER.

13 5. ALLOW THE CONSUMER TO CANCEL USE OF THE PROVIDER'S EARNED WAGE
14 ACCESS SERVICES AT ANY TIME WITHOUT INCURRING A CANCELLATION FEE OR
15 INHIBITING ACCESS TO CONSUMER FUNDS THAT ARE IN PROCESS.

16 6. COMPLY WITH ALL LOCAL, STATE AND FEDERAL PRIVACY AND INFORMATION
17 SECURITY LAWS.

18 7. IF A PROVIDER SOLICITS, CHARGES OR RECEIVES A TIP, GRATUITY OR
19 OTHER DONATION FROM A CONSUMER, DO ALL OF THE FOLLOWING:

20 (a) CLEARLY AND CONSPICUOUSLY DISCLOSE TO THE CONSUMER IN
21 PROMINENTLY DISPLAYED WRITING IMMEDIATELY BEFORE EACH TRANSACTION THAT ANY
22 TIP, GRATUITY OR OTHER DONATION AMOUNT MAY BE ZERO AND IS VOLUNTARY.

23 (b) CLEARLY AND CONSPICUOUSLY DISCLOSE IN ITS SERVICE CONTRACT WITH
24 THE CONSUMER AND ELSEWHERE THAT ANY TIP, GRATUITY OR DONATION IS VOLUNTARY
25 AND THAT OFFERING EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF
26 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH
27 PROCEEDS ARE PROVIDED TO A CONSUMER, IS NOT CONTINGENT ON WHETHER THE
28 CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE SIZE OF THE
29 TIP, GRATUITY OR OTHER DONATION.

30 (c) SET AT ZERO DOLLARS ANY SUGGESTED RECOMMENDED OR PREFILLED
31 AMOUNT FOR ANY TIP, GRATUITY OR DONATION.

32 8. PROVIDE PROCEEDS TO A CONSUMER BY ANY MEANS MUTUALLY AGREED ON
33 BY THE CONSUMER AND THE LICENSEE.

34 9. IF THE PROVIDER SEEKS REPAYMENT OF OUTSTANDING PROCEEDS OR
35 PAYMENT OF FEES OR OTHER AMOUNTS OWED, INCLUDING VOLUNTARY TIPS,
36 GRATUITIES OR OTHER DONATIONS~~[.]~~ IN CONNECTION WITH THE ACTIVITIES COVERED
37 BY THIS CHAPTER FROM A CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION BY
38 MEANS OF AN ELECTRONIC FUNDS TRANSFER, DO ALL OF THE FOLLOWING:

39 (a) COMPLY WITH APPLICABLE PROVISIONS OF THE ELECTRONIC FUND
40 TRANSFER ACT AS PRESCRIBED IN 15 UNITED STATES CODE SECTIONS 1693 THROUGH
41 1693r AND THE REGULATIONS ADOPTED UNDER 15 UNITED STATES CODE SECTIONS
42 1693 THROUGH SECTION 1693r.

43 (b) [WITHIN TEN BUSINESS DAYS AFTER THE CONSUMER'S REQUEST.]
44 REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY OVERDRAFT OR
45 NONSUFFICIENT FUND FEES IMPOSED ON THAT CONSUMER BY THE CONSUMER'S
46 DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE PROVIDER ATTEMPTING TO SEEK
47 PAYMENT OF ANY OUTSTANDING PROCEEDS, FEES OR OTHER PAYMENTS IN CONNECTION

1 WITH THE ACTIVITIES COVERED BY THIS CHAPTER, INCLUDING VOLUNTARY TIPS,
2 GRATUITIES OR OTHER DONATIONS~~[.]~~ ON A DATE BEFORE, OR IN AN INCORRECT
3 AMOUNT FROM, THE DATE OR AMOUNT DISCLOSED TO THE CONSUMER. THE PROVIDER
4 IS NOT SUBJECT TO THE REQUIREMENTS IN THIS PARAGRAPH WITH RESPECT TO
5 PAYMENTS OF OUTSTANDING AMOUNTS OR FEES INCURRED BY A CONSUMER THROUGH
6 FRAUDULENT OR OTHER UNLAWFUL MEANS THAT THE PROVIDER, USING REASONABLE
7 GOOD-FAITH EFFORTS TO DETERMINE, REASONABLY BELIEVES ARE THE RESULT OF THE
8 CUSTOMER'S CONDUCT.

9 B. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802
10 MAY NOT DO ANY OF THE FOLLOWING:

11 1. SHARE WITH AN EMPLOYER A PORTION OF ANY FEES, VOLUNTARY TIPS,
12 GRATUITIES OR OTHER DONATIONS THAT WERE RECEIVED FROM OR CHARGED TO A
13 CONSUMER FOR EARNED WAGE ACCESS SERVICES.

14 2. REQUIRE A CONSUMER'S CREDIT REPORT OR A CREDIT SCORE PROVIDED OR
15 ISSUED BY A CONSUMER REPORTING AGENCY TO DETERMINE A CONSUMER'S
16 ELIGIBILITY FOR EARNED WAGE ACCESS SERVICES.

17 3. ACCEPT PAYMENT OF OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS,
18 GRATUITIES OR OTHER DONATIONS FROM A CONSUMER BY MEANS OF A CREDIT CARD OR
19 CHARGE CARD.

20 4. CHARGE A LATE FEE OR DEFERRAL FEE, INTEREST OR ANY OTHER PENALTY
21 OR CHARGE FOR FAILURE TO PAY OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS,
22 GRATUITIES OR OTHER DONATIONS.

23 5. REPORT TO A CONSUMER REPORTING AGENCY OR DEBT COLLECTOR ANY
24 INFORMATION ABOUT THE CONSUMER REGARDING THE INABILITY OF THE PROVIDER TO
25 BE REPAID OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS, GRATUITIES OR OTHER
26 DONATIONS.

27 6. COMPEL OR ATTEMPT TO COMPEL PAYMENT BY A CONSUMER OF OUTSTANDING
28 PROCEEDS, FEES, VOLUNTARY TIPS, GRATUITIES OR OTHER DONATIONS TO THE
29 PROVIDER THROUGH ANY OF THE FOLLOWING MEANS:

30 (a) A SUIT AGAINST THE CONSUMER IN A COURT OF COMPETENT
31 JURISDICTION.

32 ~~[(b)]~~ USE OF OUTBOUND TELEPHONE CALLS.]

33 ~~[(b)]~~ ~~[(c)]~~ USE OF A THIRD PARTY TO PURSUE COLLECTION FROM THE
34 CONSUMER ON THE PROVIDER'S BEHALF.

35 ~~[(c)]~~ ~~[(d)]~~ SALE OF OUTSTANDING AMOUNTS TO A THIRD-PARTY COLLECTOR
36 OR DEBT BUYER FOR COLLECTION FROM THE CONSUMER.

37 ~~[(e)]~~ BY ACTING AS A COLLECTION AGENCY AS DEFINED IN SECTION
38 32-1001.]

39 7. IF THE PROVIDER SOLICITS OR RECEIVES TIPS, GRATUITIES OR OTHER
40 DONATIONS FROM CONSUMERS, MISLEAD OR DECEIVE CONSUMERS ABOUT THE VOLUNTARY
41 NATURE OF THE TIPS, GRATUITIES OR OTHER DONATIONS OR MAKE REPRESENTATIONS
42 THAT THE TIPS, GRATUITIES OR OTHER DONATIONS WILL BENEFIT ~~[SPECIFIC~~
43 ~~INDIVIDUALS.]~~ [ANY INDIVIDUAL, INCLUDING THE CONSUMER, OR ARE NECESSARY TO
44 OFFER EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF PROCEEDS THE
45 CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH PROCEEDS ARE
46 PROVIDED TO THE CONSUMER.]

1 8. ADVERTISE, PRINT, DISPLAY, PUBLISH, DISTRIBUTE OR BROADCAST OR
2 CAUSE TO BE ADVERTISED, PRINTED, DISPLAYED, PUBLISHED, DISTRIBUTED OR
3 BROADCAST, IN ANY MANNER, ANY STATEMENT OR REPRESENTATION WITH REGARD TO
4 THE EARNED WAGE ACCESS SERVICES THAT ARE OFFERED BY THE PROVIDER THAT IS
5 FALSE, MISLEADING OR DECEPTIVE, OR THAT OMITTS OR STATES MATERIAL
6 INFORMATION THAT IS NECESSARY TO MAKE THE STATEMENTS NOT FALSE, MISLEADING
7 OR DECEPTIVE.

8 9. REQUIRE THAT A CONSUMER'S SOLE MEANS OF ACCESSING MONIES BE
9 THROUGH A PROVIDER PAYCARD, DIGITAL WALLET OR SIMILAR PAYMENT PROCESS.

10 10. CHARGE FEES ~~[OF MORE THAN]~~ [FOR DELIVERY OR EXPEDITED DELIVERY
11 OF PROCEEDS THAT EXCEED] \$5 FOR ANY ADVANCE THAT IS EQUAL TO OR LESS THAN
12 \$75 OR \$7.50 FOR ANY ADVANCE THAT IS MORE THAN \$75.

13 [11. OFFER EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF
14 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH
15 PROCEEDS ARE PROVIDED TO A CONSUMER THAT IS CONTINGENT ON WHETHER THE
16 CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE SIZE OF THE
17 TIP, GRATUITY OR OTHER DONATION.

18 C. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802
19 MAY SOLICIT OR RECEIVE TIPS, GRATUITIES OR OTHER DONATIONS ONLY ONE TIME
20 PER TRANSACTION, AND THE PROVIDER MAY REQUEST THAT THE CONSUMER CONFIRM
21 THE CONSUMER'S SELECTED TIP, GRATUITY OR OTHER DONATION ONE TIME PER
22 TRANSACTION AND CONFIRM THE FINAL TRANSACTION ON THE COMPLETION SCREEN.]

23 ~~[C.]~~ [D.] THE LIMITS SET FORTH IN SUBSECTION B, PARAGRAPH 6 OF
24 THIS SECTION DO NOT APPLY TO A PROVIDER THAT IS:

25 1. SEEKING PAYMENT OF ANY OUTSTANDING AMOUNT OR FEE THAT WAS
26 INCURRED BY A CONSUMER THROUGH FRAUD OR OTHER UNLAWFUL MEANS THAT THE
27 PROVIDER, USING REASONABLE GOOD-FAITH EFFORTS TO DETERMINE, REASONABLY
28 BELIEVES ARE THE RESULT OF CONSUMER'S CONDUCT.

29 2. SUING AN EMPLOYER FOR THE EMPLOYER'S BREACH OF THE EMPLOYER'S
30 CONTRACT WITH THE PROVIDER.

31 ~~[D.]~~ [E.] A PROVIDER MAY USE THE MAILING ADDRESS PROVIDED BY A
32 CONSUMER TO DETERMINE THE CONSUMER'S STATE OF RESIDENCE FOR THE PURPOSES
33 OF THIS CHAPTER.

34 6-1804. Interpretation: applicability

35 A. NOTWITHSTANDING ANY OTHER LAW, EARNED WAGE ACCESS SERVICES
36 OFFERED AND PROVIDED BY A LICENSEE IN COMPLIANCE WITH THIS CHAPTER ARE NOT
37 CONSIDERED ANY OF THE FOLLOWING:

38 1. A VIOLATION OF OR NONCOMPLIANCE WITH SECTION 23-1068, SUBSECTION
39 A OR ANY OTHER LAW OF THIS STATE GOVERNING A SALE, ASSIGNMENT OR ORDER FOR
40 EARNED BUT UNPAID INCOME OR OTHER WAGES.

41 2. A LOAN OR OTHER FORM OF CREDIT OR DEBT ~~[, AND THE PROVIDER IS~~
42 ~~NOT CONSIDERED A CREDITOR, DEBT COLLECTOR OR LENDER].~~

43 3. MONEY TRANSMISSION ~~[, AND THE PROVIDER IS NOT CONSIDERED A MONEY~~
44 ~~TRANSMITTER].~~

45 B. NOTWITHSTANDING ANY OTHER LAW, FEES PAID TO A LICENSEE IN
46 ACCORDANCE WITH THIS CHAPTER ARE NOT CONSIDERED INTEREST OR FINANCE

1 CHARGES. IF THERE IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER
2 STATUTE, THIS CHAPTER CONTROLS.

3 C. TITLE 32, CHAPTER 9 DOES NOT APPLY TO PROCEEDS A PROVIDER
4 PROVIDES TO A CONSUMER IN ACCORDANCE WITH THIS CHAPTER.

5 D. A VOLUNTARY TIP, GRATUITY OR OTHER DONATION PAID BY A CONSUMER
6 TO A LICENSEE IN ACCORDANCE WITH THIS CHAPTER IS NOT CONSIDERED A FINANCE
7 CHARGE [UNDER STATE LAW].

8 6-1805. Annual report: books and records

9 A. ON OR BEFORE JULY 1 OF EACH YEAR, A PROVIDER THAT IS REQUIRED TO
10 BE LICENSED UNDER SECTION 6-1802 SHALL SUBMIT AN ANNUAL REPORT TO THE
11 [DIVISION] [DEPARTMENT] THAT INCLUDES ALL OF THE FOLLOWING INFORMATION
12 RELATED TO EARNED WAGE ACCESS SERVICES THAT THE PROVIDER PROVIDED IN THIS
13 STATE DURING THE PRIOR YEAR:

14 1. GROSS REVENUE THAT IS ATTRIBUTED TO EARNED WAGE ACCESS SERVICES.

15 2. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED
16 PROCEEDS TO CONSUMERS~~[,]~~ [AND THE TOTAL NUMBER OF TRANSACTIONS IN WHICH:

17 (a) THE PROVIDER RECEIVED A FEE FROM THE CONSUMER.

18 (b) THE PROVIDER RECEIVED A VOLUNTARY TIP, GRATUITY OR OTHER
19 DONATION FROM THE CONSUMER.

20 (c) THE CONSUMER OBTAINED PROCEEDS AT NO COST.]

21 3. THE TOTAL NUMBER OF UNIQUE CONSUMERS TO WHOM THE PROVIDER
22 PROVIDED PROCEEDS.

23 4. THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE PROVIDER PROVIDED TO
24 CONSUMERS.

25 5. THE TOTAL DOLLAR AMOUNT OF~~[:]~~

26 [(a)] FEES~~[,]~~ [THE PROVIDER RECEIVED FROM CONSUMERS].

27 [(b)] VOLUNTARY TIPS, GRATUITIES OR OTHER DONATIONS THE PROVIDER
28 RECEIVED FROM CONSUMERS.

29 6. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED
30 [AND THE TOTAL AMOUNT OF] REIMBURSEMENTS TO A CONSUMER FOR OVERDRAFT OR
31 NONSUFFICIENT FUND FEES THAT WERE IMPOSED ON THAT CONSUMER.

32 7. THE TOTAL [AMOUNT] [NUMBER] OF CLAIMS MADE BY THE PROVIDER
33 AGAINST A CONSUMER FOR FRAUD OR UNLAWFUL ACTS, INCLUDING THE DOLLAR
34 AMOUNTS OF ANY CLAIM. THE [DIVISION] [DEPARTMENT] MAY REQUEST FOLLOW-UP
35 INFORMATION THAT INCLUDES:

36 (a) INVESTIGATION DOCUMENTATION.

37 (b) EVIDENCE THAT SUPPORTS FRAUD OR UNLAWFUL CONDUCT.

38 (c) INFORMATION AS TO WHETHER A COURT OF COMPETENT JURISDICTION
39 ADJUDICATED THE MATTER.

40 B. THE [DEPUTY] DIRECTOR MAY EXTEND THE DEADLINE FOR THE ANNUAL
41 REPORT FOR GOOD CAUSE.

42 C. THE [DIVISION] [DEPARTMENT] MAY TAKE DISCIPLINARY ACTION AGAINST
43 A PROVIDER IF THE PROVIDER FAILS TO SUBMIT A TIMELY REPORT AS REQUIRED
44 UNDER THIS SECTION.

45 ~~[D. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION SHALL KEEP~~
46 ~~CONFIDENTIAL THE INFORMATION CONTAINED IN THE ANNUAL REPORT UNDER~~
47 ~~SUBSECTION A OF THIS SECTION, AND THAT INFORMATION IS NOT SUBJECT TO~~

1 ~~PUBLIC COPYING OR PUBLIC INSPECTION UNDER SECTION 39-121. THE DIVISION~~
2 ~~MAY PREPARE AND MAKE PUBLICLY AVAILABLE AN AGGREGATED AND ANONYMIZED~~
3 ~~ANALYSIS OF THE INFORMATION SUBMITTED BY ALL PROVIDERS UNDER THIS SECTION.~~

4 ~~E.] [D.] A PROVIDER REQUIRED TO BE LICENSED UNDER SECTION 6-1802~~
5 ~~SHALL KEEP SUCH BOOKS AND RECORDS THAT, IN THE OPINION OF THE [DIVISION]~~
6 ~~[DEPARTMENT], WILL ENABLE THE [DIVISION] [DEPARTMENT] TO DETERMINE WHETHER~~
7 ~~THE PROVIDER IS IN COMPLIANCE WITH THIS CHAPTER [FOR AT LEAST FIVE YEARS].~~

8 6-1806. Denial of renewal or suspension or revocation of
9 license

10 A. THE [DIVISION] [DEPARTMENT] MAY DENY RENEWAL OF A LICENSE OR
11 SUSPEND OR REVOKE A LICENSE IF THE [DIVISION] [DEPARTMENT] FINDS THAT [A-]
12 [THE] LICENSEE:

13 1. IS INSOLVENT AS DEFINED IN SECTION 47-1201.

14 2. HAS FAILED TO PAY THE ANNUAL RENEWAL FEES.

15 3. HAS FAILED TO FILE AN ANNUAL REPORT AS REQUIRED BY SECTION
16 6-1805 BY THE DUE DATE OR WITHIN AN EXTENDED TIME FRAME GRANTED BY THE
17 DEPUTY DIRECTOR FOR GOOD CAUSE.

18 4. HAS FAILED TO HAVE OR MAINTAIN THE SURETY BOND REQUIRED BY
19 SECTION 6-1802, SUBSECTION [F-] [E].

20 5. ~~[EITHER KNOWINGLY OR WITHOUT THE EXERCISE OF DUE CARE TO PREVENT~~
21 ~~A VIOLATION,]~~ HAS VIOLATED A RULE, ORDER OR ANY PROVISION OF THIS TITLE.

22 6. HAS FAILED TO OPERATE THE BUSINESS OF OFFERING OR PROVIDING
23 EARNED WAGE ACCESS SERVICES IN THIS STATE FOR A CONTINUOUS PERIOD OF
24 TWELVE MONTHS OR MORE, EXCEPT THAT THE DEPUTY DIRECTOR MAY EXTEND THE TIME
25 FOR NOT MORE THAN TWELVE ADDITIONAL MONTHS FOR A SINGLE FIXED PERIOD ON
26 GOOD CAUSE SHOWN.

27 B. THE [DIVISION] [DEPARTMENT] MAY ALSO DENY RENEWAL OF A LICENSE
28 OR SUSPEND OR REVOKE A LICENSE IF THE [DEPUTY] DIRECTOR FINDS THAT ANY
29 FACT OR CONDITION EXISTS THAT, IF IT HAD EXISTED AT THE TIME OF THE
30 ORIGINAL APPLICATION FOR THE LICENSE, WOULD HAVE CLEARLY WARRANTED THE
31 [DEPUTY] DIRECTOR TO REFUSE TO ISSUE THE LICENSE.

32 [C. A LICENSEE MAY APPEAL A DENIAL OF A RENEWAL APPLICATION OR A
33 SUSPENSION OR REVOCATION PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.]

34 6-1807. Mergers and acquisition of control; approval of
35 director

36 A PERSON LICENSED UNDER THIS CHAPTER MAY NOT MERGE WITH, ACQUIRE
37 CONTROL OVER OR AGREE TO BE ACQUIRED BY ANOTHER ENTITY WITHOUT THE
38 APPROVAL OF THE [DEPUTY] DIRECTOR. THIS SECTION DOES NOT PROHIBIT A
39 LICENSEE OR OTHER PERSON FROM NEGOTIATING OR ENTERING INTO AGREEMENTS
40 SUBJECT TO THE CONDITION THAT THE MERGER OR ACQUISITION OF CONTROL BECOMES
41 EFFECTIVE ON APPROVAL OF THE [DEPUTY] DIRECTOR.

42 6-1808. Unlawful practice

43 FAILURE TO COMPLY WITH THIS CHAPTER IS AN UNLAWFUL PRACTICE PURSUANT
44 TO SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
45 APPROPRIATE ACTION AS PRESCRIBED IN TITLE 44, CHAPTER 10, ARTICLE 7.

46 6-1809. Department: rules

47 THE [DEPUTY] DIRECTOR MAY ADOPT RULES TO IMPLEMENT THIS CHAPTER.

Senate Amendments to S.B. 1582

1 <<Sec. 5. ~~Requirements for enactment; two-thirds vote~~
2 ~~Pursuant to article IX, section 22, Constitution of Arizona, this~~
3 ~~act is effective only on the affirmative vote of at least two-thirds of~~
4 ~~the members of each house of the legislature and is effective immediately~~
5 ~~on the signature of the governor or, if the governor vetoes this act, on~~
6 ~~the subsequent affirmative vote of at least three-fourths of the members~~
7 ~~of each house of the legislature.>>~~

8 Enroll and engross to conform

9 Amend title to conform

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