



Bill Number: S.B. 1582

Mesnard Floor Amendment

**Reference to: Regulatory Affairs and
Government Efficiency Committee Amendment**

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Eliminates the establishment of application and renewal fees for an earned wage services provider license.**
- 2. Requires a provider to provide at least 30 days advance written notice to a consumer for any material change to the terms and conditions of an earned wage access product that includes the consumer's assent to a voluntary preauthorization automated electronic funds transfer.**
- 3. Allows the notice to be provided through email or another conspicuous electronic method if the consumer consents to receiving communications through electronic means.**
- 4. States that a voluntary preauthorized automated electronic funds transfer does not include a onetime transaction for proceeds authorized by the consumer.**
- 5. Removes the authorization for a provider to request that the consumer confirm the consumer's selected tip, gratuity or other donation one time per transaction.**
- 6. Makes technical and conforming changes.**

MESNARD FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1582

(Reference to REGULATORY AFFAIRS AND GOVERNMENT EFFICIENCY Committee amendment)

Amendment instruction key:

[GREEN UPPERCASE UNDERLINING IN BRACKETS] indicates that the amendment is adding text to statute

or previously enacted session law.

[Green lowercase underlining in brackets] indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.

~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.

~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.

<<Double green carets enclosing an entire section>> indicates that the amendment is adding the section to the bill.

~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.

{{ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS}} indicates that the amendment to an amendment is adding text to statute or previously enacted session law.

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≤≤Double orange underlined carets enclosing an entire section≥≥ indicate that the amendment to an amendment is adding the section to the bill.

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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.~~

- ~~1 7. To move an office of a savings and loan association to other~~
- ~~2 than an established office, \$1,000.~~
- ~~3 8. To organize and establish a credit union, \$100.~~
- ~~4 9. To establish each credit union branch or to move a credit union~~
- ~~5 office to other than an established office of a credit union, \$250.~~
- ~~6 10. To organize and establish any other financial institutions for~~
- ~~7 which an application or investigation fee is not otherwise provided by~~
- ~~8 law, \$1,000.~~
- ~~9 11. To acquire control of a financial institution other than a~~
- ~~10 consumer lender, \$5,000.~~
- ~~11 12. To apply for a trust company license, \$1,000.~~
- ~~12 13. To apply for a commercial mortgage banker, mortgage banker,~~
- ~~13 escrow agent or consumer lender license, \$1,000.~~
- ~~14 14. To apply for a mortgage broker, commercial mortgage broker,~~
- ~~15 sales finance company or debt management company license, \$500.~~
- ~~16 15. To apply for a collection agency license, \$1,500.~~
- ~~17 16. To apply for a branch office of an escrow agent, consumer~~
- ~~18 lender, commercial mortgage banker, mortgage banker or trust company,~~
- ~~19 \$500.~~
- ~~20 17. To apply for a branch office of a mortgage broker, commercial~~
- ~~21 mortgage broker, debt management company[,] [or] sales finance company [OR~~
- ~~22 EARNED WAGE ACCESS PROVIDER], \$250.~~
- ~~23 18. To apply for approval for the merger or consolidation of two or~~
- ~~24 more financial institutions, \$5,000 per institution.~~
- ~~25 19. To apply for approval to convert from a national bank or~~
- ~~26 federal savings and loan charter to a state chartered institution, \$1,000.~~
- ~~27 20. To apply for approval to convert from a federal credit union to~~
- ~~28 a state chartered credit union, \$500.~~
- ~~29 21. To apply for approval to merge or consolidate two or more~~
- ~~30 credit unions, \$500 per credit union.~~
- ~~31 22. To change the licensee name on a financial institution or~~
- ~~32 enterprise license, except for a loan originator or appraiser license, not~~
- ~~33 more than \$250.~~
- ~~34 23. To apply for a license pursuant to chapter 12, article 1 of~~
- ~~35 this title, \$1,500 plus \$25 for each branch office and authorized delegate~~
- ~~36 to a maximum of \$4,500.~~
- ~~37 24. To acquire control of a person that is licensed pursuant to~~
- ~~38 chapter 12, article 1 of this title or a controlling person pursuant to~~
- ~~39 chapter 12 of this title, \$2,500.~~
- ~~40 25. To receive the following publications:~~
- ~~41 (a) Quarterly bank and savings and loan statement of condition, not~~
- ~~42 more than \$10 per copy.~~
- ~~43 (b) Monthly summary of actions report, not more than \$5 per copy.~~
- ~~44 (c) A list of licensees, a monthly pending actions report and all~~
- ~~45 other in-house prepared reports or listings made available to the public,~~
- ~~46 not more than \$1 per page.~~
- ~~47 26. To apply for a loan originator license, an amount to be~~
- ~~48 determined by the deputy director.~~

- 1 ~~27. To apply for a loan originator license transfer, an amount to~~
2 ~~be determined by the deputy director.~~
- 3 ~~28. To apply for a conversion from a mortgage banker license to a~~
4 ~~mortgage broker license, an amount to be determined by the deputy~~
5 ~~director.~~
- 6 ~~29. For a premium finance company, \$300 plus \$300 for each branch~~
7 ~~office.~~
- 8 ~~30. For an advance fee loan broker, \$50.~~
- 9 ~~[31. TO APPLY FOR AN EARNED WAGE ACCESS SERVICES PROVIDER LICENSE,~~
10 ~~A FEE BY THE DIRECTOR IN RULE.]~~
- 11 ~~B. On application for a license or permit for an enterprise or~~
12 ~~consumer lender, the applicant shall pay the first year's annual~~
13 ~~assessment listed in subsection D of this section, prorated according to~~
14 ~~the number of quarters remaining until the date of the next annual~~
15 ~~assessment or renewal. If the result of the application ends in a denial,~~
16 ~~the department shall refund the prorated annual assessment that the~~
17 ~~applicant paid. Annual renewal fees are nonrefundable.~~
- 18 ~~C. On issuance of a license or permit for a financial institution,~~
19 ~~the department shall collect the first year's annual assessment or renewal~~
20 ~~fee for the financial institution, except for a consumer lender that paid~~
21 ~~on application, prorated according to the number of quarters remaining~~
22 ~~until the date of the next annual assessment or renewal.~~
- 23 ~~D. The following annual assessments and renewal fees shall be paid~~
24 ~~each year:~~
- 25 ~~1. For an escrow agent or trust company, \$1,000 plus \$250 for each~~
26 ~~branch office.~~
- 27 ~~2. For a debt management company or sales finance company, \$500~~
28 ~~plus \$200 for each branch office.~~
- 29 ~~3. For a collection agency, \$600.~~
- 30 ~~4. For an inactive mortgage broker or commercial mortgage broker,~~
31 ~~\$250.~~
- 32 ~~5. For a mortgage banker that negotiates or closes in the aggregate~~
33 ~~one hundred loans or less in the immediately preceding calendar year,~~
34 ~~\$750, and for a mortgage banker that negotiates or closes in the aggregate~~
35 ~~over one hundred loans in the immediately preceding calendar year,~~
36 ~~\$1,250. In addition, a mortgage banker shall pay \$250 for each branch~~
37 ~~office.~~
- 38 ~~6. For a commercial mortgage banker, \$1,250. In addition, a~~
39 ~~commercial mortgage banker shall pay \$250 for each branch office.~~
- 40 ~~7. For a mortgage broker or commercial mortgage broker that~~
41 ~~negotiates or closes in the aggregate fifty loans or less in the~~
42 ~~immediately preceding calendar year, \$250 and for a mortgage broker or~~
43 ~~commercial mortgage broker that negotiates or closes in the aggregate more~~
44 ~~than fifty loans in the immediately preceding calendar year, \$500. In~~
45 ~~addition, a mortgage broker or commercial mortgage broker shall pay \$200~~
46 ~~for each branch office.~~
- 47 ~~8. For a consumer lender, \$1,000 plus \$200 for each branch office.~~

~~9. For a licensee person that is licensed pursuant to chapter 12, article 1 of this title, \$500 plus \$25 for each branch office and each authorized delegate to a maximum of \$2,500.~~

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

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

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

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

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

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

6-602. Exemptions

A. This chapter does not apply to:

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

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

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

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

5. A PERSON WHO IS LICENSED AS {{A-}} {{AN}} EARNED WAGE ACCESS PROVIDER PURSUANT TO CHAPTER 18 OF THIS TITLE.

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

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

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

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

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

5. Educational loans that are either:

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

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

4 **6. EARNED WAGE ACCESS SERVICE TRANSACTIONS AND RELATED PAYMENTS**
5 **REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE.**

6 C. A consumer loan made pursuant to a consumer lender license is
7 not a secondary motor vehicle finance transaction as defined in section
8 44-281.

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

11 **6-1202. Exemptions**

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

13 1. An operator of a payment system that provides processing,
14 clearing or settlement services between or among persons exempted by this
15 section or licensees in connection with wire transfers, credit card
16 transactions, debit card transactions, stored value transactions,
17 automated clearinghouse transfers, **EARNED WAGE ACCESS SERVICE TRANSACTIONS**
18 **REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE** or similar transfers of
19 money.

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

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

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

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

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

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

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

42 (c) Bears sole responsibility to satisfy the outstanding money
43 transmission obligation to the sender, including the obligation to make
44 the sender whole in connection with any failure to transmit the money to
45 the sender's designated recipient.

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

48 5. Money transmission by the United States postal service or by an
49 agent of the United States postal service.

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

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

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

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

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

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

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

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

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

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

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

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

1 Sec. 3. 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}}~~
30 ~~{{PERSON}}~~ OR ON BEHALF OF THE ~~{{EMPLOYER}}~~ ~~{{PERSON}}~~, 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}}~~ ~~{{THE PERSON}}~~.

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.

48 (b) DOES NOT INCLUDE:

49 (i) VOLUNTARY TIPS.

1 (ii) GRATUITIES.

2 (iii) OTHER DONATIONS.

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

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

12 11. "OUTSTANDING PROCEEDS" MEANS PROCEEDS THAT WERE REMITTED TO A
13 CONSUMER BY A PROVIDER AND HAVE NOT YET BEEN REPAID TO THAT PROVIDER.

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

16 13. "PROVIDER":

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

19 (b) DOES NOT INCLUDE:

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

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

27 6-1802. License; application; fees; bond; definitions

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

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

37 1. THE NAME OF THE PROVIDER.

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

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

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

44 5. IF THE PROVIDER PROVIDES EARNED WAGE ACCESS SERVICES AT A
45 LOCATION THAT IS NOT AN OFFICE OR RETAIL STORE IN THIS STATE, A ~~[BRIEF]~~
46 DESCRIPTION OF THE MANNER IN WHICH THE PROVIDER PROVIDES EARNED WAGE
47 ACCESS SERVICES AND THE PROVIDER'S WEBSITE UNIFORM RESOURCE LOCATOR.

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

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

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

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

8 (a) THE APPLICANT.

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

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

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

14 [9.] [10.] ANY OTHER INFORMATION THE [DIVISION] [DEPARTMENT]
15 REQUIRES TO ADMINISTER THIS CHAPTER.

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

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

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

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

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

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

33 3. IS IN FAVOR OF ANY PERSON THAT IS DAMAGED BY A VIOLATION OF THIS
34 CHAPTER.

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

42 ~~[H.] [G.] ONCE THE APPLICANT SUBMITS AN APPLICATION {{AND REMITS~~
43 ~~PAYMENT OF THE APPLICATION FEE}}, THE [DIVISION] [DEPARTMENT] SHALL~~
44 ~~CONDUCT A CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY~~
45 ~~INVESTIGATION OF THE FOLLOWING:~~

46 1. THE APPLICANT.

47 2. THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.

48 3. THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A
49 LIMITED LIABILITY COMPANY OR ASSOCIATION.

1 4. THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A
2 CORPORATION.

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

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

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

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

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

30 ~~[L. A PROVIDER MAY NOT ASSIGN A LICENSE UNLESS IT IS APPROVED BY~~
31 ~~THE DIVISION OR BY OPERATION OF LAW IN CONNECTION WITH A MERGER OR~~
32 ~~CONVERSION THAT RESULTS IN SUBSTANTIALLY THE SAME OWNERSHIP AND CONTROL OF~~
33 ~~THE RESULTING ENTITY. A PROVIDER SHALL NOTIFY THE DIVISION OF A~~
34 ~~CONVERSION OR MERGER WITHIN FIFTEEN DAYS AFTER THE DATE OF THE CONVERSION~~
35 ~~OR MERGER. THE CONVERSION OR MERGER MAY BECOME EFFECTIVE ON APPROVAL BY~~
36 ~~THE DEPUTY DIRECTOR.~~

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

41 [L. AN APPLICANT MAY APPEAL A DENIAL OF AN APPLICATION PURSUANT TO
42 TITLE 41, CHAPTER 6, ARTICLE 10.]

43 ~~[N. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION SHALL KEEP~~
44 ~~CONFIDENTIAL THE INFORMATION CONTAINED IN AN APPLICATION FOR A LICENSE~~
45 ~~UNDER SUBSECTION B OF THIS SECTION AND ANY INFORMATION OBTAINED DURING THE~~
46 ~~DIVISION'S CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY~~
47 ~~INVESTIGATION UNDER SUBSECTION H OF THIS SECTION, AND THAT INFORMATION IS~~
48 ~~NOT SUBJECT TO PUBLIC COPYING OR PUBLIC INSPECTION UNDER SECTION 39-121.]~~

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

1 [(c) EXPLAIN THE PROCEDURES THE PROVIDER WILL FOLLOW IF THE
2 PROVIDER'S FIRST ATTEMPT TO ~~{{COLLECT}}~~ {{OBTAIN PAYMENT OF}} OUTSTANDING
3 PROCEEDS AND ANY ASSOCIATED FEES, TIPS, GRATUITIES AND OTHER DONATIONS IS
4 UNSUCCESSFUL.]

5 4. ~~[INFORM]~~ {{EXCEPT AS PROVIDED IN PARAGRAPH 5 OF THIS
6 SUBSECTION.}} [OBTAIN THE CONSENT OF] THE CONSUMER ~~[OF]~~ [FOR] ANY MATERIAL
7 CHANGE TO THE TERMS AND CONDITIONS OF THE EARNED WAGE ACCESS SERVICES
8 ~~[[OR MAKE MATERIAL CHANGES AVAILABLE FOR AT LEAST THIRTY DAYS]]~~ BEFORE
9 IMPLEMENTING THAT CHANGE FOR THE CONSUMER.

10 {{5. PROVIDE AT LEAST THIRTY DAYS' ADVANCE WRITTEN NOTICE TO A
11 CONSUMER FOR ANY MATERIAL CHANGE TO THE TERMS AND CONDITIONS OF AN EARNED
12 WAGE ACCESS PRODUCT THAT INCLUDES THE CUSTOMER'S ASSENT TO A VOLUNTARY
13 PREAUTHORIZED AUTOMATED ELECTRONIC FUNDS TRANSFER. THE NOTICE REQUIRED BY
14 THIS PARAGRAPH MAY BE PROVIDED THROUGH EMAIL OR ANOTHER CONSPICUOUS
15 ELECTRONIC METHOD IF THE CONSUMER CONSENTS TO RECEIVE COMMUNICATIONS
16 THROUGH ELECTRONIC MEANS. FOR THE PURPOSES OF THIS PARAGRAPH, VOLUNTARY
17 PREAUTHORIZED AUTOMATED ELECTRONIC FUNDS TRANSFER DOES NOT INCLUDE A
18 ONETIME TRANSACTION FOR PROCEEDS AUTHORIZED BY THE CONSUMER.}}

19 ~~{{5.}}~~ ~~{{6.}}~~ ALLOW THE CONSUMER TO CANCEL USE OF THE PROVIDER'S
20 EARNED WAGE ACCESS SERVICES AT ANY TIME WITHOUT INCURRING A CANCELLATION
21 FEE OR INHIBITING ACCESS TO CONSUMER FUNDS THAT ARE IN PROCESS.

22 ~~{{6.}}~~ ~~{{7.}}~~ COMPLY WITH ALL LOCAL, STATE AND FEDERAL PRIVACY AND
23 INFORMATION SECURITY LAWS.

24 ~~{{7.}}~~ ~~{{8.}}~~ IF A PROVIDER SOLICITS, CHARGES OR RECEIVES A TIP,
25 GRATUITY OR OTHER DONATION FROM A CONSUMER, DO ALL OF THE FOLLOWING:

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

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

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

38 ~~{{8.}}~~ ~~{{9.}}~~ PROVIDE PROCEEDS TO A CONSUMER BY ANY MEANS MUTUALLY
39 AGREED ON BY THE CONSUMER AND THE LICENSEE.

40 ~~{{9.}}~~ ~~{{10.}}~~ IF THE PROVIDER SEEKS REPAYMENT OF OUTSTANDING
41 PROCEEDS OR PAYMENT OF FEES OR OTHER AMOUNTS OWED, INCLUDING VOLUNTARY
42 TIPS, GRATUITIES OR OTHER DONATIONS~~[.]~~ IN CONNECTION WITH THE ACTIVITIES
43 COVERED BY THIS CHAPTER FROM A CONSUMER'S ACCOUNT AT A DEPOSITORY
44 INSTITUTION BY MEANS OF AN ELECTRONIC FUNDS TRANSFER, DO ALL OF THE
45 FOLLOWING:

46 (a) COMPLY WITH APPLICABLE PROVISIONS OF THE ELECTRONIC FUND
47 TRANSFER ACT AS PRESCRIBED IN 15 UNITED STATES CODE SECTIONS 1693 THROUGH
48 1693r AND THE REGULATIONS ADOPTED UNDER 15 UNITED STATES CODE SECTIONS
49 1693 THROUGH SECTION 1693r.

1 (b) [WITHIN TEN BUSINESS DAYS AFTER THE CONSUMER'S REQUEST,]
2 REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY OVERDRAFT OR
3 NONSUFFICIENT FUND FEES IMPOSED ON THAT CONSUMER BY THE CONSUMER'S
4 DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE PROVIDER ATTEMPTING TO SEEK
5 PAYMENT OF ANY OUTSTANDING PROCEEDS, FEES OR OTHER PAYMENTS IN CONNECTION
6 WITH THE ACTIVITIES COVERED BY THIS CHAPTER, INCLUDING VOLUNTARY TIPS,
7 GRATUITIES OR OTHER DONATIONS~~[.]~~ ON A DATE BEFORE, OR IN AN INCORRECT
8 AMOUNT FROM, THE DATE OR AMOUNT DISCLOSED TO THE CONSUMER. THE PROVIDER
9 IS NOT SUBJECT TO THE REQUIREMENTS IN THIS PARAGRAPH WITH RESPECT TO
10 PAYMENTS OF OUTSTANDING AMOUNTS OR FEES INCURRED BY A CONSUMER THROUGH
11 FRAUDULENT OR OTHER UNLAWFUL MEANS THAT THE PROVIDER, USING REASONABLE
12 GOOD-FAITH EFFORTS TO DETERMINE, REASONABLY BELIEVES ARE THE RESULT OF THE
13 CUSTOMER'S CONDUCT.

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

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

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

22 3. ACCEPT PAYMENT OF OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS,
23 GRATUITIES OR OTHER DONATIONS FROM A CONSUMER BY MEANS OF A CREDIT CARD OR
24 CHARGE CARD.

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

28 5. REPORT TO A CONSUMER REPORTING AGENCY OR DEBT COLLECTOR ANY
29 INFORMATION ABOUT THE CONSUMER REGARDING THE INABILITY OF THE PROVIDER TO
30 BE REPAID OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS, GRATUITIES OR OTHER
31 DONATIONS.

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

35 (a) A SUIT AGAINST THE CONSUMER IN A COURT OF COMPETENT
36 JURISDICTION.

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

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

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

42 ~~[(e)]~~ BY ACTING AS A COLLECTION AGENCY AS DEFINED IN SECTION
43 32-1001.]

1 7. IF THE PROVIDER SOLICITS OR RECEIVES TIPS, GRATUITIES OR OTHER
2 DONATIONS FROM CONSUMERS, MISLEAD OR DECEIVE CONSUMERS ABOUT THE VOLUNTARY
3 NATURE OF THE TIPS, GRATUITIES OR OTHER DONATIONS OR MAKE REPRESENTATIONS
4 THAT THE TIPS, GRATUITIES OR OTHER DONATIONS WILL BENEFIT ~~[SPECIFIC~~
5 ~~INDIVIDUALS.]~~ [ANY INDIVIDUAL, INCLUDING THE CONSUMER, OR ARE NECESSARY TO
6 OFFER EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF PROCEEDS THE
7 CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH PROCEEDS ARE
8 PROVIDED TO THE CONSUMER.]

9 8. ADVERTISE, PRINT, DISPLAY, PUBLISH, DISTRIBUTE OR BROADCAST OR
10 CAUSE TO BE ADVERTISED, PRINTED, DISPLAYED, PUBLISHED, DISTRIBUTED OR
11 BROADCAST, IN ANY MANNER, ANY STATEMENT OR REPRESENTATION WITH REGARD TO
12 THE EARNED WAGE ACCESS SERVICES THAT ARE OFFERED BY THE PROVIDER THAT IS
13 FALSE, MISLEADING OR DECEPTIVE, OR THAT OMITTS OR STATES MATERIAL
14 INFORMATION THAT IS NECESSARY TO MAKE THE STATEMENTS NOT FALSE, MISLEADING
15 OR DECEPTIVE.

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

18 10. CHARGE FEES ~~[OF MORE THAN]~~ [FOR DELIVERY OR EXPEDITED DELIVERY
19 OF PROCEEDS THAT EXCEED] \$5 FOR ANY ADVANCE THAT IS EQUAL TO OR LESS THAN
20 \$75 OR \$7.50 FOR ANY ADVANCE THAT IS MORE THAN \$75.

21 [11. OFFER EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF
22 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH
23 PROCEEDS ARE PROVIDED TO A CONSUMER{[.]} THAT {[IS]} {[ARE]} CONTINGENT ON
24 WHETHER THE CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE
25 SIZE OF THE TIP, GRATUITY OR OTHER DONATION.

26 C. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802
27 MAY SOLICIT OR RECEIVE TIPS, GRATUITIES OR OTHER DONATIONS ONLY ONE TIME
28 PER TRANSACTION{[, AND THE PROVIDER MAY REQUEST THAT THE CONSUMER CONFIRM
29 THE CONSUMER'S SELECTED TIP, GRATUITY OR OTHER DONATION ONE TIME PER
30 TRANSACTION}} AND CONFIRM THE FINAL TRANSACTION ON THE COMPLETION SCREEN.]

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

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

37 2. SUING AN EMPLOYER FOR THE EMPLOYER'S BREACH OF THE EMPLOYER'S
38 CONTRACT WITH THE PROVIDER.

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

42 6-1804. Interpretation; applicability

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

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

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

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

5 B. NOTWITHSTANDING ANY OTHER LAW, FEES PAID TO A LICENSEE IN
6 ACCORDANCE WITH THIS CHAPTER ARE NOT CONSIDERED INTEREST OR FINANCE
7 CHARGES. IF THERE IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER
8 STATUTE, THIS CHAPTER CONTROLS.

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

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

14 6-1805. Annual report; books and records

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

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

21 2. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED
22 PROCEEDS TO CONSUMERS~~[;]~~ [AND THE TOTAL NUMBER OF TRANSACTIONS IN WHICH:

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

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

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

27 3. THE TOTAL NUMBER OF UNIQUE CONSUMERS TO WHOM THE PROVIDER
28 PROVIDED PROCEEDS.

29 4. THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE PROVIDER PROVIDED TO
30 CONSUMERS.

31 5. THE TOTAL DOLLAR AMOUNT OF~~[;]~~

32 ~~[(a)]~~ FEES~~[;]~~ [THE PROVIDER RECEIVED FROM CONSUMERS].

33 ~~[(b)]~~ VOLUNTARY TIPS, GRATUITIES OR OTHER DONATIONS THE PROVIDER
34 RECEIVED FROM CONSUMERS.

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

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

42 (a) INVESTIGATION DOCUMENTATION.

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

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

1 B. THE ~~[DEPUTY]~~ DIRECTOR MAY EXTEND THE DEADLINE FOR THE ANNUAL
2 REPORT FOR GOOD CAUSE.

3 C. THE ~~[DIVISION]~~ ~~[DEPARTMENT]~~ MAY TAKE DISCIPLINARY ACTION AGAINST
4 A PROVIDER IF THE PROVIDER FAILS TO SUBMIT A TIMELY REPORT AS REQUIRED
5 UNDER THIS SECTION.

6 ~~[D. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION SHALL KEEP~~
7 ~~CONFIDENTIAL THE INFORMATION CONTAINED IN THE ANNUAL REPORT UNDER~~
8 ~~SUBSECTION A OF THIS SECTION, AND THAT INFORMATION IS NOT SUBJECT TO~~
9 ~~PUBLIC COPYING OR PUBLIC INSPECTION UNDER SECTION 39-121. THE DIVISION~~
10 ~~MAY PREPARE AND MAKE PUBLICLY AVAILABLE AN AGGREGATED AND ANONYMIZED~~
11 ~~ANALYSIS OF THE INFORMATION SUBMITTED BY ALL PROVIDERS UNDER THIS SECTION.~~

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

16 6-1806. Denial of renewal or suspension or revocation of
17 license

18 A. THE ~~[DIVISION]~~ ~~[DEPARTMENT]~~ MAY DENY RENEWAL OF A LICENSE OR
19 SUSPEND OR REVOKE A LICENSE IF THE ~~[DIVISION]~~ ~~[DEPARTMENT]~~ FINDS THAT ~~[A]~~
20 ~~[THE]~~ LICENSEE:

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

22 ~~{{2. HAS FAILED TO PAY THE ANNUAL RENEWAL FEES.}}~~

23 ~~{{3.}}~~ ~~{{2.}}~~ HAS FAILED TO FILE AN ANNUAL REPORT AS REQUIRED BY
24 SECTION 6-1805 BY THE DUE DATE OR WITHIN AN EXTENDED TIME FRAME GRANTED BY
25 THE DEPUTY DIRECTOR FOR GOOD CAUSE.

26 ~~{{4.}}~~ ~~{{3.}}~~ HAS FAILED TO HAVE OR MAINTAIN THE SURETY BOND
27 REQUIRED BY SECTION 6-1802, SUBSECTION ~~[F]~~ ~~[E]~~.

28 ~~{{5.}}~~ ~~{{4.}}~~ ~~[EITHER KNOWINGLY OR WITHOUT THE EXERCISE OF DUE~~
29 ~~CARE TO PREVENT A VIOLATION,]~~ HAS VIOLATED A RULE, ORDER OR ANY PROVISION
30 OF THIS TITLE.

31 ~~{{6.}}~~ ~~{{5.}}~~ HAS FAILED TO OPERATE THE BUSINESS OF OFFERING OR
32 PROVIDING EARNED WAGE ACCESS SERVICES IN THIS STATE FOR A CONTINUOUS
33 PERIOD OF TWELVE MONTHS OR MORE, EXCEPT THAT THE DEPUTY DIRECTOR MAY
34 EXTEND THE TIME FOR NOT MORE THAN TWELVE ADDITIONAL MONTHS FOR A SINGLE
35 FIXED PERIOD ON GOOD CAUSE SHOWN.

36 B. THE ~~[DIVISION]~~ ~~[DEPARTMENT]~~ MAY ALSO DENY RENEWAL OF A LICENSE
37 OR SUSPEND OR REVOKE A LICENSE IF THE ~~[DEPUTY]~~ DIRECTOR FINDS THAT ANY
38 FACT OR CONDITION EXISTS THAT, IF IT HAD EXISTED AT THE TIME OF THE
39 ORIGINAL APPLICATION FOR THE LICENSE, WOULD HAVE CLEARLY WARRANTED THE
40 ~~[DEPUTY]~~ DIRECTOR TO REFUSE TO ISSUE THE LICENSE.

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

43 6-1807. Mergers and acquisition of control; approval of
44 director

45 A PERSON LICENSED UNDER THIS CHAPTER MAY NOT MERGE WITH, ACQUIRE
46 CONTROL OVER OR AGREE TO BE ACQUIRED BY ANOTHER ENTITY WITHOUT THE
47 APPROVAL OF THE ~~[DEPUTY]~~ DIRECTOR. THIS SECTION DOES NOT PROHIBIT A
48 LICENSEE OR OTHER PERSON FROM NEGOTIATING OR ENTERING INTO AGREEMENTS

1 SUBJECT TO THE CONDITION THAT THE MERGER OR ACQUISITION OF CONTROL BECOMES
2 EFFECTIVE ON APPROVAL OF THE [DEPUTY] DIRECTOR.

3 6-1808. Unlawful practice

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

7 6-1809. Department; rules

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

9 <<Sec. 5. ~~Requirements for enactment; two-thirds vote~~

10 ~~[Pursuant to article IX, section 22, Constitution of Arizona, this~~
11 ~~act is effective only on the affirmative vote of at least two-thirds of~~
12 ~~the members of each house of the legislature and is effective immediately~~
13 ~~on the signature of the governor or, if the governor vetoes this act, on~~
14 ~~the subsequent affirmative vote of at least three-fourths of the members~~
15 ~~of each house of the legislature.]]>>~~

16 Enroll and engross to conform

17 Amend title to conform

J.D. MESNARD

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C: SK