

## HOUSE BILL NO. HB0061

Banking division-nationwide licensing system.

Sponsored by: Joint Minerals, Business and Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to trade and commerce; authorizing use of a  
2 nationwide licensing system for licensing activities  
3 regulated by the division of banking under the uniform  
4 consumer credit code, the consumer rental purchase  
5 agreement act and the money transmitter act; requiring  
6 fingerprinting and background checks including criminal  
7 history record checks for licensure; providing authority to  
8 the commissioner of the division of banking to implement  
9 nationwide licensing systems; providing conforming  
10 amendments; creating definitions; and providing for an  
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 7-19-106(a)(xxii), 7-19-201(a)(xvi),  
16 40-14-140(a) by creating new paragraphs (xxi) and (xxii)

1 and by renumbering (xxi) as (xxiii), 40-14-142(a)(lx) and  
2 (lxxiii), 40-14-604(a) by creating new paragraphs (vii) and  
3 (viii), 40-14-633, 40-14-634(h) and by creating new  
4 subsections (o) through (r), 40-19-102(a) by creating new  
5 paragraphs (xii) and (xiii) and by renumbering (xii) as  
6 (xiv), 40-19-114(c), (j) and by creating new subsections  
7 (k) through (o), 40-19-118 by creating new subsections (g)  
8 though (n), 40-22-102(a) by creating new paragraphs (xix)  
9 and (xx), 40-22-108 by creating new subsections (e) through  
10 (k), 40-22-111(a) and 40-22-129(b) are amended to read:

11

12 **7-19-106. Access to, and dissemination of,**  
13 **information.**

14

15 (a) Criminal history record information shall be  
16 disseminated by criminal justice agencies in this state,  
17 whether directly or through any intermediary, only to:

18

19 (xxii) The state banking commissioner for  
20 purposes of licensing and registration pursuant to W.S.  
21 40-14-604, 40-14-634, 40-14-642, 40-19-114, 40-19-118,  
22 40-22-108, 40-23-103 and 40-23-125;

23

1           7-19-201. State or national criminal history record  
2 information.

3

4           (a) The following persons shall be required to submit  
5 to fingerprinting in order to obtain state and national  
6 criminal history record information:

7

8                   (xvi) Mortgage lenders, mortgage brokers,  
9 mortgage loan originators, money transmitters and persons  
10 identified in W.S. 40-19-114(a) and 40-23-107(b)(i), as  
11 necessary to perform the background checks required by W.S.  
12 40-14-604(a)(vii), 40-14-634(q)(i), 40-14-642(c)(i),  
13 40-19-114(m)(i), 40-19-118(g), 40-22-108(e) and (h)(i),  
14 40-23-103(a)(viii) and 40-23-125(c)(i);

15

16           **40-14-140. General definitions.**

17

18           (a) In addition to definitions appearing in  
19 subsequent articles, in this act:

20

21                   (xxi) "Channeling agent" means the third party  
22 licensing system that gathers the application information  
23 and distributes it to Wyoming for review for the approval  
24 or denial decision;

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(xxii) "Registry" means the nationwide licensing system and registry maintained by the State Regulatory Registry, LLC.;

~~(xxi)~~ (xxiii) "This act" means W.S. 40-14-101 through 40-14-702.

**40-14-142. Index of definitions.**

(a) Definitions in this act and the sections in which they appear are:

(lx) "Channeling agent" - W.S. ~~40-14-640(a)(i)~~ 40-14-140(a)(xxi);

(lxxiii) "Registry" - W.S. ~~40-14-640(a)(xiii)~~ 40-14-140(a)(xxii);

**40-14-604. Powers of administrator; harmony with federal regulations; reliance on rules; duty to report and cooperate.**

1           (a) In addition to other powers granted by this act,  
2 the administrator within the limitations provided by law  
3 may:

4  
5           (vii) Require a licensee under this act or an  
6 applicant for a license issued under this act to submit to  
7 a background investigation including fingerprint checks for  
8 state, national and international criminal history record  
9 checks as necessary. While exercising his authority under  
10 this paragraph, the administrator may utilize background  
11 checks completed by the division of criminal investigation,  
12 other government agencies in this state or in other states,  
13 the federal bureau of investigation, the registry or  
14 another entity designated by the registry;

15  
16           (viii) Determine the content of application  
17 forms and the means by which an applicant applies for,  
18 renews or amends a license under this act. The  
19 administrator may allow applicants to utilize the registry  
20 or an entity designated by the registry for the processing  
21 of applications and fees.

22  
23           **40-14-633. Crediting of monies.**

24

1 All fees and other monies received by the administrator  
2 under the provisions of this act shall be deposited by the  
3 administrator with the state treasurer and credited to the  
4 consumer credit administration account, except the amount  
5 paid for data processing by ~~a national mortgage licensing~~  
6 ~~system and database~~ the registry or any other entity  
7 designated by the registry. The funds deposited in the  
8 account under this act shall be subject to appropriation by  
9 the legislature to the administrator and shall be expended  
10 only to carry out the duties of the administrator.  
11 Expenditures shall be made from the account by warrants  
12 drawn by the state auditor, upon vouchers issued and signed  
13 by the administrator.

14

15 **40-14-634. License required; application; fee;**  
16 **conditions and execution; license nontransferable; display;**  
17 **renewal.**

18

19 (h) Each license issued under this act shall expire  
20 on ~~July 1~~ December 31. The license shall be renewed  
21 annually not less than thirty (30) days before the stated  
22 expiration date. The renewal fee for each license shall  
23 not exceed five hundred dollars (\$500.00), as set by rule  
24 of the administrator.

1

2       (o) In order to fulfill the purposes of this act, the  
3 administrator may establish relationships or contract with  
4 the registry or any other entity designated by the registry  
5 to collect and maintain records and process transaction  
6 fees or other fees related to licensees or other persons  
7 subject to this act.

8

9       (p) In addition to the other requirements of this  
10 section, in connection with an application for licensing,  
11 the applicant shall, at a minimum, furnish to the registry  
12 information concerning the identity of the applicant, the  
13 owners or persons in charge of the applicant and  
14 individuals designated in charge of the applicant's places  
15 of business, including:

16

17               (i) Fingerprints for submission to the federal  
18 bureau of investigation, and any governmental agency or  
19 entity authorized to receive such information for a state,  
20 national and international criminal history background  
21 check; and

22

1           (ii) Personal history and experience, including  
2 the submission of authorization for the registry and the  
3 administrator to obtain:

4  
5           (A) An independent credit report obtained  
6 from a consumer reporting agency described in section  
7 603(p) of the federal Fair Credit Reporting Act; and

8  
9           (B) Information related to any  
10 administrative, civil or criminal findings by any  
11 governmental jurisdiction.

12  
13           (q) For the purposes of this section and in order to  
14 reduce the points of contact which the federal bureau of  
15 investigation may have to maintain for purposes of  
16 paragraph (p)(i) of this section and subparagraph  
17 (p)(ii)(B) of this section, the administrator may use the  
18 registry as a channeling agent for requesting information  
19 from and distributing information to the department of  
20 justice or any governmental agency.

21  
22           (r) For the purposes of this section and in order to  
23 reduce the points of contact which the administrator may  
24 have to maintain for purposes of paragraph (p)(ii) of this



1 section, the administrator may use the registry as a  
2 channeling agent for requesting and distributing  
3 information to and from any source as directed by the  
4 administrator.

5  
6 **40-19-102. Definitions.**

7  
8 (a) As used in this act:

9  
10 (xii) "Channeling agent" means the third party  
11 licensing system that gathers the application information  
12 and distributes it to Wyoming for review for the approval  
13 or denial decision;

14  
15 (xiii) "Registry" means the nationwide licensing  
16 system and registry maintained by the State Regulatory  
17 Registry, LLC.;

18  
19 ~~(xii)~~ (xiv) "This act" means W.S. 40-14-101  
20 through 40-14-120.

21  
22 **40-19-114. License required; application for license;**  
23 **fee; qualifications.**

24

1           (c) The application for one (1) or more licenses  
2 shall be accompanied by a processing fee not to exceed five  
3 hundred dollars (\$500.00) set by rule of the administrator.  
4 The fee, except the amount paid for data processing by the  
5 registry or any other entity designated by registry, shall  
6 be deposited by the administrator with the state treasurer  
7 and credited to the financial institutions administration  
8 account. Funds from the account shall be expended to carry  
9 out the duties of the administrator. If the expenses of the  
10 investigation and evaluation exceed the amount of the fee,  
11 the applicant shall reimburse the administrator the excess  
12 amount. If the expenses of the investigation and evaluation  
13 are less than the amount of the fee, the unexpended amount  
14 shall remain within the account. If an application is  
15 withdrawn by the applicant at any time prior to the  
16 completion of the investigation and evaluation, the  
17 unexpended amount shall remain within the account.

18

19           (j) Each license issued under this section shall  
20 expire on ~~July 1~~ December 31. The license shall be renewed  
21 annually not less than thirty (30) days before the  
22 expiration date. The renewal fee for each license shall  
23 not exceed five hundred dollars (\$500.00), as set by rule  
24 of the administrator.

1

2       (k) In order to fulfill the purposes of this act, the  
3 administrator may establish relationships or contract with  
4 the registry or any other entity designated by the registry  
5 to collect and maintain records and process transaction  
6 fees or other fees related to licensees or other persons  
7 subject to this act.

8

9       (m) In addition to the other requirements of this  
10 section, in connection with an application for licensing  
11 the applicant shall, at a minimum, furnish to the registry  
12 information concerning the identity of the applicant, the  
13 owners or persons in charge of the applicant and  
14 individuals designated in charge of the applicant's places  
15 of business, including:

16

17       (i) Fingerprints for submission to the federal  
18 bureau of investigation, and any governmental agency or  
19 entity authorized to receive such information for a state,  
20 national and international criminal history background  
21 check; and

22

1           (ii) Personal history and experience, including  
2 the submission of authorization for the registry and the  
3 administrator to obtain:

4  
5           (A) An independent credit report obtained  
6 from a consumer reporting agency described in section  
7 603(p) of the federal Fair Credit Reporting Act; and

8  
9           (B) Information related to any  
10 administrative, civil or criminal findings by any  
11 governmental jurisdiction.

12  
13           (n) For the purposes of this section and in order to  
14 reduce the points of contact which the federal bureau of  
15 investigation may have to maintain for purposes of  
16 paragraph (m)(i) of this section and subparagraph  
17 (m)(ii)(B) of this section, the administrator may use the  
18 registry as a channeling agent for requesting information  
19 from and distributing information to the department of  
20 justice or any governmental agency.

21  
22           (o) For the purposes of this section and in order to  
23 reduce the points of contact which the administrator may  
24 have to maintain for purposes of paragraph (m)(ii) of this

1 section, the administrator may use the registry as a  
2 channeling agent for requesting and distributing  
3 information to and from any source as directed by the  
4 administrator.

5  
6 **40-19-118. Powers and functions of the administrator;**  
7 **enforcement; penalties.**

8  
9 (g) The administrator may require a licensee under  
10 this act or an applicant for a license issued under this  
11 act to submit to a background investigation including  
12 fingerprint checks for state, national and international  
13 criminal history record checks as necessary. While  
14 exercising his authority under this paragraph, the  
15 administrator may utilize background checks completed by  
16 the division of criminal investigation, other government  
17 agencies in this state or in other states, the federal  
18 bureau of investigation, the registry or any other entity  
19 designated by the registry.

20  
21 (h) The administrator may determine the content of  
22 application forms and the means by which an applicant  
23 applies for, renews or amends a license under this act.  
24 The administrator may allow applicants to utilize the

1 registry or an entity designated by the registry for the  
2 processing of applications and fees.

3  
4 (j) In order to fulfill the purposes of this act, the  
5 administrator may establish relationships or contract with  
6 the registry or any other entity designated by the registry  
7 to collect and maintain records and process transaction  
8 fees or other fees related to licensees or other persons  
9 subject to this act.

10  
11 (k) In connection with an application for licensing  
12 the applicant shall, at a minimum, furnish to the registry  
13 information concerning the identity of the applicant, the  
14 owners or persons in charge of the applicant and  
15 individuals designated in charge of the applicant's places  
16 of business, including:

17  
18 (i) Fingerprints for submission to the federal  
19 bureau of investigation, and any governmental agency or  
20 entity authorized to receive such information for a state,  
21 national and international criminal history background  
22 check; and

23

1           (ii) Personal history and experience, including  
2 the submission of authorization for the registry and the  
3 administrator to obtain:

4  
5           (A) An independent credit report obtained  
6 from a consumer reporting agency described in section  
7 603(p) of the federal Fair Credit Reporting Act; and

8  
9           (B) Information related to any  
10 administrative, civil or criminal findings by any  
11 governmental jurisdiction.

12  
13           (m) For the purposes of this section and in order to  
14 reduce the points of contact which the federal bureau of  
15 investigation may have to maintain for purposes of  
16 paragraph (k)(i) of this section and subparagraph  
17 (k)(ii)(B) of this section, the administrator may use the  
18 registry as a channeling agent for requesting information  
19 from and distributing information to the department of  
20 justice or any governmental agency.

21  
22           (n) For the purposes of this section and in order to  
23 reduce the points of contact which the administrator may  
24 have to maintain for purposes of paragraph (k)(ii) of this

1 section, the administrator may use the registry as a  
2 channeling agent for requesting and distributing  
3 information to and from any source as directed by the  
4 administrator.

5  
6 **40-22-102. Definitions.**

7  
8 (a) As used in this act:

9  
10 (xix) "Channeling agent" means the third party  
11 licensing system that gathers the application information  
12 and distributes it to Wyoming for review for the approval  
13 or denial decision;

14  
15 (xx) "Registry" means the nationwide licensing  
16 system and registry maintained by the State Regulatory  
17 Registry, LLC.

18  
19 **40-22-108. Application for license.**

20  
21 (e) The commissioner may require a licensee under  
22 this act or an applicant for a license issued under this  
23 act to submit to a background investigation including  
24 fingerprint checks for state, national and international



1 criminal history record checks as necessary. While  
2 exercising his authority under this subsection, the  
3 commissioner may utilize background checks completed by the  
4 division of criminal investigation, other government  
5 agencies in this state or in other states, the federal  
6 bureau of investigation or the registry or any other entity  
7 designated by the registry.

8  
9 (f) The commissioner may determine the content of  
10 application forms and the means by which an applicant  
11 applies for, renews or amends a license under this act.  
12 The administrator may allow applicants to utilize the  
13 registry or an entity designated by the registry for the  
14 processing of applications and fees.

15  
16 (g) In order to fulfill the purposes of this act, the  
17 administrator may establish relationships or contract with  
18 the registry or any other entity designated by the registry  
19 to collect and maintain records and process transaction  
20 fees or other fees related to licensees or other persons  
21 subject to this act.

22  
23 (h) In connection with an application for licensing  
24 the applicant shall, at a minimum, furnish to the registry

1 information concerning the identity of the applicant, the  
2 owners or persons in charge of the applicant and  
3 individuals designated in charge of the applicant's places  
4 of business, including:

5  
6 (i) Fingerprints for submission to the federal  
7 bureau of investigation, and any governmental agency or  
8 entity authorized to receive such information for a state,  
9 national and international criminal history background  
10 check; and

11  
12 (ii) Personal history and experience, including  
13 the submission of authorization for the registry and the  
14 administrator to obtain:

15  
16 (A) An independent credit report obtained  
17 from a consumer reporting agency described in section  
18 603(p) of the federal Fair Credit Reporting Act; and

19  
20 (B) Information related to any  
21 administrative, civil or criminal findings by any  
22 governmental jurisdiction.

23

1       (j) For the purposes of this section and in order to  
2 reduce the points of contact which the federal bureau of  
3 investigation may have to maintain for purposes of  
4 paragraph (h)(i) of this section and subparagraph  
5 (h)(ii)(B) of this section, the administrator may use the  
6 registry as a channeling agent for requesting information  
7 from and distributing information to the department of  
8 justice or any governmental agency.

9  
10       (k) For the purposes of this section and in order to  
11 reduce the points of contact which the administrator may  
12 have to maintain for purposes of paragraph (h)(ii) of this  
13 section, the administrator may use the registry as a  
14 channeling agent for requesting and distributing  
15 information to and from any source as directed by the  
16 administrator.

17  
18       **40-22-111. Renewal of license and annual report.**

19  
20       (a) ~~Every year on October 1~~ Each license issued under  
21 this act shall expire on December 31. The license shall be  
22 renewed annually not later than December 1. Each licensee  
23 shall pay an annual renewal fee not to exceed two thousand  
24 dollars (\$2,000.00), plus not more than one hundred dollars

1 (\$100.00) for each authorized delegate not to exceed seven  
2 thousand dollars (\$7,000.00), as set by rule of the  
3 commissioner.

4

5 **40-22-129. Rulemaking and deposit of fees.**

6

7 (b) All application, renewal, examination and  
8 licensing fees, except the amount paid for data processing  
9 by the registry or any other entity designated by the  
10 registry, shall be deposited by the commissioner with the  
11 state treasurer into the financial institutions  
12 administration account.

13

14 **Section 2.** W.S. 40-14-640(a)(i) and (xiii) is  
15 repealed.

16

17 **Section 3.** This act is effective July 1, 2013.

18

19

(END)