

REFERENCE TITLE: earned wage access; providers; license

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

## **SB 1582**

Introduced by  
Senator Mesnard

AN ACT

AMENDING SECTIONS 6-126, 6-602 AND 6-1202, ARIZONA REVISED STATUTES;  
AMENDING TITLE 6, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 18; RELATING  
TO BANKS AND FINANCIAL INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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.
- 30 14. To apply for a mortgage broker, commercial mortgage broker,  
31 sales finance company or debt management company license, \$500.
- 32 15. To apply for a collection agency license, \$1,500.
- 33 16. To apply for a branch office of an escrow agent, consumer  
34 lender, commercial mortgage banker, mortgage banker or trust company,  
35 \$500.
- 36 17. To apply for a branch office of a mortgage broker, commercial  
37 mortgage broker, debt management company or sales finance company, \$250.
- 38 18. To apply for approval for the merger or consolidation of two or  
39 more financial institutions, \$5,000 per institution.
- 40 19. To apply for approval to convert from a national bank or  
41 federal savings and loan charter to a state chartered institution, \$1,000.
- 42 20. To apply for approval to convert from a federal credit union to  
43 a state chartered credit union, \$500.
- 44 21. To apply for approval to merge or consolidate two or more  
45 credit unions, \$500 per credit union.

1           22. To change the licensee name on a financial institution or  
2 enterprise license, except for a loan originator or appraiser license, not  
3 more than \$250.

4           23. To apply for a license pursuant to chapter 12, article 1 of  
5 this title, \$1,500 plus \$25 for each branch office and authorized delegate  
6 to a maximum of \$4,500.

7           24. To acquire control of a person that is licensed pursuant to  
8 chapter 12, article 1 of this title or a controlling person pursuant to  
9 chapter 12 of this title, \$2,500.

10          25. To receive the following publications:

11           (a) Quarterly bank and savings and loan statement of condition, not  
12 more than \$10 per copy.

13           (b) Monthly summary of actions report, not more than \$5 per copy.

14           (c) A list of licensees, a monthly pending actions report and all  
15 other in-house prepared reports or listings made available to the public,  
16 not more than \$1 per page.

17          26. To apply for a loan originator license, an amount to be  
18 determined by the deputy director.

19          27. To apply for a loan originator license transfer, an amount to  
20 be determined by the deputy director.

21          28. To apply for a conversion from a mortgage banker license to a  
22 mortgage broker license, an amount to be determined by the deputy  
23 director.

24          29. For a premium finance company, \$300 plus \$300 for each branch  
25 office.

26          30. For an advance fee loan broker, \$50.

27          B. On application for a license or permit for an enterprise or  
28 consumer lender, the applicant shall pay the first year's annual  
29 assessment listed in subsection D of this section, prorated according to  
30 the number of quarters remaining until the date of the next annual  
31 assessment or renewal. If the result of the application ends in a denial,  
32 the department shall refund the prorated annual assessment that the  
33 applicant paid. Annual renewal fees are nonrefundable.

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

39          D. The following annual assessments and renewal fees shall be paid  
40 each year:

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

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

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

1           4. For an inactive mortgage broker or commercial mortgage broker,  
2 \$250.

3           5. For a mortgage banker that negotiates or closes in the aggregate  
4 one hundred loans or less in the immediately preceding calendar year,  
5 \$750, and for a mortgage banker that negotiates or closes in the aggregate  
6 over one hundred loans in the immediately preceding calendar year,  
7 \$1,250. In addition, a mortgage banker shall pay \$250 for each branch  
8 office.

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

11           7. For a mortgage broker or commercial mortgage broker that  
12 negotiates or closes in the aggregate fifty loans or less in the  
13 immediately preceding calendar year, \$250 and for a mortgage broker or  
14 commercial mortgage broker that negotiates or closes in the aggregate more  
15 than fifty loans in the immediately preceding calendar year, \$500. In  
16 addition, a mortgage broker or commercial mortgage broker shall pay \$200  
17 for each branch office.

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

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

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

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

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

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

29           14. FOR AN EARNED WAGE ACCESS SERVICES PROVIDER, \$1,000.

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

32           6-602. Exemptions

33           A. This chapter does not apply to:

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

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

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

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

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

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

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

7           2. Advances on open end revolving loans that are not secured by the  
8 consumer's principal residence with an agreed on credit limit of more than  
9 \$10,000, regardless of the amount of any advances on these revolving  
10 loans.

11          3. Advances on open end revolving loans that are secured by the  
12 consumer's principal residence with an agreed on credit limit of more than  
13 \$10,000, regardless of the amount of any advances on these revolving  
14 loans.

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

18          5. Educational loans that are either:

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

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

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

26          C. A consumer loan made pursuant to a consumer lender license is  
27 not a secondary motor vehicle finance transaction as defined in section  
28 44-281.

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

31          6-1202. Exemptions

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

33           1. An operator of a payment system that provides processing,  
34 clearing or settlement services between or among persons exempted by this  
35 section or licensees in connection with wire transfers, credit card  
36 transactions, debit card transactions, stored value transactions,  
37 automated clearinghouse transfers, EARNED WAGE ACCESS SERVICE TRANSACTIONS  
38 REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE or similar transfers of  
39 money.

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

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

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

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

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

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

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

19 (c) Bears sole responsibility to satisfy the outstanding money  
20 transmission obligation to the sender, including the obligation to make  
21 the sender whole in connection with any failure to transmit the money to  
22 the sender's designated recipient.

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

25 5. Money transmission by the United States postal service or by an  
26 agent of the United States postal service.

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

29 7. A federally insured depository financial institution, A bank  
30 holding company, AN office of an international banking corporation, A  
31 foreign bank that establishes a federal branch pursuant to 12 United  
32 States Code section 3102, a corporation organized as a bank service  
33 company pursuant to 12 United States Code sections 1861 through 1867 or a  
34 corporation organized pursuant to 12 United States Code sections 611  
35 through 633.

36 8. AN electronic funds transfer of governmental benefits for a  
37 federal, state, county or governmental agency by a contractor on behalf of  
38 the United States or a department, agency or instrumentality of the United  
39 States or on behalf of a state or governmental subdivision, agency or  
40 instrumentality of a state.

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

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

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

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

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

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

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

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

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

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

## CHAPTER 18

### EARNED WAGE ACCESS

#### ARTICLE 1. GENERAL PROVISIONS

##### 6-1801. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

4. "EARNED BUT UNPAID INCOME" MEANS SALARY, WAGES, COMPENSATION OR OTHER INCOME THAT A CONSUMER OR AN EMPLOYER HAS REPRESENTED AND THAT A PROVIDER HAS REASONABLY DETERMINED HAS BEEN EARNED OR ACCRUED TO THE

1 BENEFIT OF THE CONSUMER IN EXCHANGE FOR THE CONSUMER'S SERVICES TO THE  
2 EMPLOYER OR ON BEHALF OF THE EMPLOYER, INCLUDING:

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

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

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

9 6. "EMPLOYER":

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

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

15 (ii) CIRCUMSTANCES IN WHICH THE CONSUMER IS ACTING AS AN  
16 INDEPENDENT CONTRACTOR WITH RESPECT TO THE EMPLOYER.

17 (b) DOES NOT INCLUDE:

18 (i) A CUSTOMER OF AN EMPLOYER.

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

22 7. "EMPLOYER-INTEGRATED WAGE ACCESS SERVICES" MEANS DELIVERING TO  
23 CONSUMERS ACCESS TO EARNED BUT UNPAID INCOME THAT IS BASED ON EMPLOYMENT,  
24 INCOME OR ATTENDANCE DATA OBTAINED DIRECTLY OR INDIRECTLY FROM AN  
25 EMPLOYER.

26 8. "FEE":

27 (a) MEANS A FEE IMPOSED BY A PROVIDER FOR DELIVERY OR EXPEDITED  
28 DELIVERY OF PROCEEDS TO A CONSUMER OR A SUBSCRIPTION OR MEMBERSHIP FEE  
29 IMPOSED BY A PROVIDER FOR A BONA FIDE GROUP OF SERVICES THAT INCLUDES  
30 EARNED WAGE ACCESS SERVICES.

31 (b) DOES NOT INCLUDE:

32 (i) VOLUNTARY TIPS.

33 (ii) GRATUITIES.

34 (iii) OTHER DONATIONS.

35 9. "LICENSEE" MEANS A BUSINESS ENTITY THAT IS LICENSED BY THE  
36 DIVISION UNDER SECTION 6-1802 AS A PROVIDER.

37 10. "NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY" MEANS A  
38 MORTGAGE LICENSING SYSTEM DEVELOPED AND MAINTAINED BY A CONFERENCE OF  
39 STATE BANK SUPERVISORS AND AN AMERICAN ASSOCIATION OF RESIDENTIAL MORTGAGE  
40 REGULATIONS FOR THE STATE LICENSING AND REGISTRATION OF LICENSED LOAN  
41 ORIGINATORS AND REGISTERED LOAN ORIGINATORS OR SUCH A SYSTEM ESTABLISHED  
42 BY THE UNITED STATES DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL  
43 PROTECTION.



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

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

13. "PROVIDER":

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

(b) DOES NOT INCLUDE:

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

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

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

A. A PROVIDER, WHETHER LOCATED IN THIS STATE OR IN ANOTHER STATE, MAY NOT PROVIDE EARNED WAGE ACCESS SERVICES IN THIS STATE UNLESS THE PROVIDER HAS BEEN ISSUED A LICENSE BY THE DIVISION.

B. A PROVIDER REQUIRED TO BE LICENSED UNDER THIS SECTION SHALL APPLY FOR A LICENSE ON A FORM AND IN A MANNER AS PRESCRIBED BY THE DIVISION. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

1. THE NAME OF THE PROVIDER.

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

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

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

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

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

7. THE PROVIDER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER.

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

9. ANY OTHER INFORMATION THE DIVISION REQUIRES TO ADMINISTER THIS CHAPTER.

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

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

8 E. A PROVIDER THAT SUBMITS AN APPLICATION FOR A LICENSE UNDER THIS  
9 SECTION SHALL PAY AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE  
10 DEPUTY DIRECTOR.

11 F. A PROVIDER REQUIRED TO BE LICENSED UNDER THIS SECTION SHALL FILE  
12 WITH THE DIVISION AND MAINTAIN IN FORCE A SURETY BOND THAT IS ISSUED BY A  
13 SURETY COMPANY ADMITTED TO DO BUSINESS IN THIS STATE AND THAT MEETS ALL OF  
14 THE FOLLOWING REQUIREMENTS:

- 15 1. IS IN AN AMOUNT EQUAL TO \$50,000.
- 16 2. IS IN FAVOR OF THIS STATE FOR THE BENEFIT OF ANY PERSON THAT IS  
17 DAMAGED BY A VIOLATION OF THIS CHAPTER.
- 18 3. IS IN FAVOR OF ANY PERSON THAT IS DAMAGED BY A VIOLATION OF THIS  
19 CHAPTER.

20 G. A PERSON THAT CLAIMS AGAINST A BOND DESCRIBED UNDER SUBSECTION F  
21 OF THIS SECTION FOR A VIOLATION OF THIS CHAPTER MAY MAINTAIN AN ACTION AT  
22 LAW AGAINST THE PROVIDER THAT OBTAINED THE SURETY THAT ISSUED THE BOND.  
23 THE SURETY IS LIABLE ONLY FOR ACTUAL DAMAGES AND NOT FOR PUNITIVE DAMAGES.  
24 THE AGGREGATE LIABILITY OF THE SURETY TO ALL PERSONS DAMAGED BY A  
25 PROVIDER'S VIOLATION OF THIS CHAPTER DOES NOT EXCEED THE AMOUNT OF THE  
26 BOND.

27 H. ONCE THE APPLICANT SUBMITS AN APPLICATION AND REMITS PAYMENT OF  
28 THE APPLICATION FEE, THE DIVISION SHALL CONDUCT A CHARACTER AND GENERAL  
29 FITNESS AND FINANCIAL RESPONSIBILITY INVESTIGATION OF THE FOLLOWING:

- 30 1. THE APPLICANT.
- 31 2. THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.
- 32 3. THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A  
33 LIMITED LIABILITY COMPANY OR ASSOCIATION.
- 34 4. THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A  
35 CORPORATION.

36 I. IF THE INVESTIGATION PURSUANT TO SUBSECTION H OF THIS SECTION  
37 FINDS RELEVANT FACTS THAT WARRANT THE BELIEF THAT THE APPLICANT'S BUSINESS  
38 WILL BE OPERATED IN COMPLIANCE WITH THIS CHAPTER, THE DIVISION SHALL ISSUE  
39 A LICENSE, AND IF NOT, THE DIVISION SHALL DENY THE APPLICATION FOR A  
40 LICENSE.

41 J. THE DIVISION MAY NOT ISSUE A LICENSE TO AN APPLICANT IF ANY OF  
42 THE FOLLOWING APPLIES:

- 43 1. THE APPLICANT FAILS TO PROVIDE ANY INFORMATION REQUIRED UNDER  
44 SUBSECTION B OF THIS SECTION.

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

3           K. THE PROVIDER'S LICENSE REMAINS IN FORCE AND EFFECT UNTIL THE  
4 DIVISION SUSPENDS OR REVOKES THE LICENSE IN ACCORDANCE WITH THIS CHAPTER  
5 OR THE PROVIDER SURRENDERS THE LICENSE. A LICENSEE SHALL APPLY FOR  
6 RENEWAL AS PRESCRIBED BY THE DEPUTY DIRECTOR AND PAY THE RENEWAL FEE  
7 PRESCRIBED IN SECTION 6-126 NOT LATER THAN DECEMBER 31 OF EACH YEAR. FOR  
8 EACH DAY AFTER DECEMBER 31 THAT THE RENEWAL APPLICATION IS NOT RECEIVED BY  
9 THE DEPUTY DIRECTOR, THE APPLICANT SHALL PAY A \$25 LATE FEE IN ADDITION TO  
10 THE FEE PRESCRIBED IN SECTION 6-126. IF THE DEPUTY DIRECTOR DOES NOT  
11 RECEIVE THE LICENSEE'S RENEWAL APPLICATION AND FEE ON OR BEFORE DECEMBER  
12 31, THE LICENSEE MAY NOT ACT AS AN EARNED WAGE ACCESS SERVICES PROVIDER  
13 UNTIL THE LICENSE IS RENEWED OR A NEW LICENSE IS ISSUED PURSUANT TO THIS  
14 ARTICLE. IF THE DEPUTY DIRECTOR DOES NOT RECEIVE THE LICENSEE'S RENEWAL  
15 APPLICATION AND FEE ON OR BEFORE JANUARY 31, THE LICENSE AUTOMATICALLY  
16 EXPIRES. THE HOLDER OF AN EXPIRED LICENSE MAY NOT BE ISSUED A RENEWAL  
17 LICENSE BUT MAY BE ISSUED A NEW LICENSE AS PROVIDED IN THIS ARTICLE.

18           L. A PROVIDER MAY NOT ASSIGN A LICENSE UNLESS IT IS APPROVED BY THE  
19 DIVISION OR BY OPERATION OF LAW IN CONNECTION WITH A MERGER OR CONVERSION  
20 THAT RESULTS IN SUBSTANTIALLY THE SAME OWNERSHIP AND CONTROL OF THE  
21 RESULTING ENTITY. A PROVIDER SHALL NOTIFY THE DIVISION OF A CONVERSION OR  
22 MERGER WITHIN FIFTEEN DAYS AFTER THE DATE OF THE CONVERSION OR MERGER.  
23 THE CONVERSION OR MERGER MAY BECOME EFFECTIVE ON APPROVAL BY THE DEPUTY  
24 DIRECTOR.

25           M. A PROVIDER SHALL CONSPICUOUSLY POST ITS LICENSE AT ITS PHYSICAL  
26 PLACE OF BUSINESS OR ON THE PROVIDER'S WEBSITE, IF THE PROVIDER CONDUCTS  
27 BUSINESS ON A WEBSITE.

28           N. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION SHALL KEEP  
29 CONFIDENTIAL THE INFORMATION CONTAINED IN AN APPLICATION FOR A LICENSE  
30 UNDER SUBSECTION B OF THIS SECTION AND ANY INFORMATION OBTAINED DURING THE  
31 DIVISION'S CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY  
32 INVESTIGATION UNDER SUBSECTION H OF THIS SECTION, AND THAT INFORMATION IS  
33 NOT SUBJECT TO PUBLIC COPYING OR PUBLIC INSPECTION UNDER SECTION 39-121.

34           O. FOR THE PURPOSES OF THIS SECTION:

35           1. "APPLICANT" MEANS A PROVIDER THAT HAS SUBMITTED AN APPLICATION  
36 FOR A LICENSE UNDER SUBSECTION B OF THIS SECTION.

37           2. "DIRECTOR" MEANS A MEMBER OF THE APPLICANT'S OR LICENSEE'S BOARD  
38 OF DIRECTORS.

39           3. "MEMBER", EXCEPT UNDER PARAGRAPH 2 OF THIS SUBSECTION, MEANS A  
40 PERSON WHO EITHER:

41           (a) HAS THE RIGHT TO RECEIVE ON DISSOLUTION.

42           (b) HAS CONTRIBUTED TEN PERCENT OR MORE OF THE CAPITAL CONTRIBUTION  
43 OF AN APPLICANT OR LICENSEE THAT IS ORGANIZED AS A LIMITED LIABILITY  
44 COMPANY OR ASSOCIATION OR IS OTHERWISE ENTITLED TO RECEIVE TEN PERCENT OR

1 MORE OF THE RIGHTS AND BENEFITS OF THE MEMBERSHIP INTEREST OWNERSHIP IN  
2 THE LIMITED LIABILITY COMPANY OR ASSOCIATION.

3 4. "OFFICER":

4 (a) MEANS A PERSON WHO PARTICIPATES OR HAS AUTHORITY TO  
5 PARTICIPATE, OTHER THAN IN THE CAPACITY OF A DIRECTOR, IN MAJOR  
6 POLICYMAKING FUNCTIONS OF AN APPLICANT OR LICENSEE, WHETHER OR NOT THE  
7 PERSON HAS AN OFFICIAL TITLE.

8 (b) INCLUDES THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER,  
9 CHIEF OPERATIONS OFFICER, CHIEF LEGAL OFFICER, CHIEF CREDIT OFFICER AND  
10 CHIEF COMPLIANCE OFFICER, EACH EXECUTIVE VICE PRESIDENT OR SENIOR VICE  
11 PRESIDENT AND ANY OTHER PERSON MEETING THE STANDARD UNDER THIS PARAGRAPH.

12 5. "PARTNER" MEANS A PERSON THAT EITHER:

13 (a) HAS THE RIGHT TO RECEIVE ON DISSOLUTION.

14 (b) HAS CONTRIBUTED TEN PERCENT OR MORE OF THE CAPITAL CONTRIBUTION  
15 OF AN APPLICANT OR LICENSEE THAT IS ORGANIZED AS A PARTNERSHIP.

16 6-1803. Provider requirements; limitations

17 A. A PROVIDER REQUIRED TO BE LICENSED UNDER SECTION 6-1802 SHALL DO  
18 ALL OF THE FOLLOWING:

19 1. DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO RESPOND TO  
20 QUESTIONS RAISED BY CONSUMERS AND ADDRESS COMPLAINTS FROM CONSUMERS IN AN  
21 EXPEDIENT MANNER.

22 2. OFFER AT LEAST ONE REASONABLE OPTION TO A CONSUMER TO OBTAIN  
23 PROCEEDS AT NO COST AND CLEARLY EXPLAIN TO THE CONSUMER HOW TO ELECT THAT  
24 NO COST OPTION.

25 3. BEFORE ENTERING INTO AN AGREEMENT WITH A CONSUMER FOR EARNED  
26 WAGE ACCESS SERVICES, DO ALL OF THE FOLLOWING:

27 (a) INFORM THE CONSUMER OF THE CONSUMER'S RIGHTS UNDER THE  
28 AGREEMENT IN WRITING.

29 (b) FULLY AND CLEARLY DISCLOSE ALL FEES ASSOCIATED WITH THE EARNED  
30 WAGE ACCESS SERVICES AND THE DIFFERENCE BETWEEN THE SERVICES AND THE NO  
31 FEE OPTION.

32 4. INFORM THE CONSUMER OF ANY MATERIAL CHANGE TO THE TERMS AND  
33 CONDITIONS OF THE EARNED WAGE ACCESS SERVICES BEFORE IMPLEMENTING THAT  
34 CHANGE FOR THE CONSUMER.

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

38 6. COMPLY WITH ALL LOCAL, STATE AND FEDERAL PRIVACY AND INFORMATION  
39 SECURITY LAWS.

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

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

1 (b) CLEARLY AND CONSPICUOUSLY DISCLOSE IN ITS SERVICE CONTRACT WITH  
2 THE CONSUMER AND ELSEWHERE THAT ANY TIP, GRATUITY OR DONATION IS VOLUNTARY  
3 AND THAT OFFERING EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF  
4 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH  
5 PROCEEDS ARE PROVIDED TO A CONSUMER, IS NOT CONTINGENT ON WHETHER THE  
6 CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE SIZE OF THE  
7 TIP, GRATUITY OR OTHER DONATION.

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

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

12 9. IF THE PROVIDER SEEKS REPAYMENT OF OUTSTANDING PROCEEDS OR  
13 PAYMENT OF FEES OR OTHER AMOUNTS OWED, INCLUDING VOLUNTARY TIPS,  
14 GRATUITIES OR OTHER DONATIONS IN CONNECTION WITH THE ACTIVITIES COVERED BY  
15 THIS CHAPTER FROM A CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION BY  
16 MEANS OF AN ELECTRONIC FUNDS TRANSFER, DO ALL OF THE FOLLOWING:

17 (a) COMPLY WITH APPLICABLE PROVISIONS OF THE ELECTRONIC FUND  
18 TRANSFER ACT AS PRESCRIBED IN 15 UNITED STATES CODE SECTIONS 1693 THROUGH  
19 1693r AND THE REGULATIONS ADOPTED UNDER 15 UNITED STATES CODE SECTIONS  
20 1693 THROUGH SECTION 1693r.

21 (b) REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY OVERDRAFT OR  
22 NONSUFFICIENT FUND FEES IMPOSED ON THAT CONSUMER BY THE CONSUMER'S  
23 DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE PROVIDER ATTEMPTING TO SEEK  
24 PAYMENT OF ANY OUTSTANDING PROCEEDS, FEES OR OTHER PAYMENTS IN CONNECTION  
25 WITH THE ACTIVITIES COVERED BY THIS CHAPTER, INCLUDING VOLUNTARY TIPS,  
26 GRATUITIES OR OTHER DONATIONS ON A DATE BEFORE, OR IN AN INCORRECT AMOUNT  
27 FROM, THE DATE OR AMOUNT DISCLOSED TO THE CONSUMER. THE PROVIDER IS NOT  
28 SUBJECT TO THE REQUIREMENTS IN THIS PARAGRAPH WITH RESPECT TO PAYMENTS OF  
29 OUTSTANDING AMOUNTS OR FEES INCURRED BY A CONSUMER THROUGH FRAUDULENT OR  
30 OTHER UNLAWFUL MEANS THAT THE PROVIDER, USING REASONABLE GOOD-FAITH  
31 EFFORTS TO DETERMINE, REASONABLY BELIEVES ARE THE RESULT OF THE CUSTOMER'S  
32 CONDUCT.

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

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

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

41 3. ACCEPT PAYMENT OF OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS,  
42 GRATUITIES OR OTHER DONATIONS FROM A CONSUMER BY MEANS OF A CREDIT CARD OR  
43 CHARGE CARD.

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

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

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

11           (a) A SUIT AGAINST THE CONSUMER IN A COURT OF COMPETENT  
12 JURISDICTION.

13           (b) USE OF A THIRD PARTY TO PURSUE COLLECTION FROM THE CONSUMER ON  
14 THE PROVIDER'S BEHALF.

15           (c) SALE OF OUTSTANDING AMOUNTS TO A THIRD-PARTY COLLECTOR OR DEBT  
16 BUYER FOR COLLECTION FROM THE CONSUMER.

17           7. IF THE PROVIDER SOLICITS OR RECEIVES TIPS, GRATUITIES OR OTHER  
18 DONATIONS FROM CONSUMERS, MISLEAD OR DECEIVE CONSUMERS ABOUT THE VOLUNTARY  
19 NATURE OF THE TIPS, GRATUITIES OR OTHER DONATIONS OR MAKE REPRESENTATIONS  
20 THAT THE TIPS, GRATUITIES OR OTHER DONATIONS WILL BENEFIT SPECIFIC  
21 INDIVIDUALS.

22           8. ADVERTISE, PRINT, DISPLAY, PUBLISH, DISTRIBUTE OR BROADCAST OR  
23 CAUSE TO BE ADVERTISED, PRINTED, DISPLAYED, PUBLISHED, DISTRIBUTED OR  
24 BROADCAST, IN ANY MANNER, ANY STATEMENT OR REPRESENTATION WITH REGARD TO  
25 THE EARNED WAGE ACCESS SERVICES THAT ARE OFFERED BY THE PROVIDER THAT IS  
26 FALSE, MISLEADING OR DECEPTIVE, OR THAT OMITTS OR STATES MATERIAL  
27 INFORMATION THAT IS NECESSARY TO MAKE THE STATEMENTS NOT FALSE, MISLEADING  
28 OR DECEPTIVE.

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

31           10. CHARGE FEES OF MORE THAN \$5 FOR ANY ADVANCE THAT IS EQUAL TO OR  
32 LESS THAN \$75 OR \$7.50 FOR ANY ADVANCE THAT IS MORE THAN \$75.

33           C. THE LIMITS SET FORTH IN SUBSECTION B, PARAGRAPH 6 OF THIS  
34 SECTION DO NOT APPLY TO A PROVIDER THAT IS:

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

39           2. SUING AN EMPLOYER FOR THE EMPLOYER'S BREACH OF THE EMPLOYER'S  
40 CONTRACT WITH THE PROVIDER.

41           D. A PROVIDER MAY USE THE MAILING ADDRESS PROVIDED BY A CONSUMER TO  
42 DETERMINE THE CONSUMER'S STATE OF RESIDENCE FOR THE PURPOSES OF THIS  
43 CHAPTER.

1           6-1804. Interpretation: applicability

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

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

8           2. A LOAN OR OTHER FORM OF CREDIT OR DEBT, AND THE PROVIDER IS NOT  
9 CONSIDERED A CREDITOR, DEBT COLLECTOR OR LENDER.

10          3. MONEY TRANSMISSION, AND THE PROVIDER IS NOT CONSIDERED A MONEY  
11 TRANSMITTER.

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

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

18          D. A VOLUNTARY TIP, GRATUITY OR OTHER DONATION PAID BY A CONSUMER  
19 TO A LICENSEE IN ACCORDANCE WITH THIS CHAPTER IS NOT CONSIDERED A FINANCE  
20 CHARGE.

21           6-1805. Annual report; books and records

22          A. ON OR BEFORE JULY 1 OF EACH YEAR, A PROVIDER THAT IS REQUIRED TO  
23 BE LICENSED UNDER SECTION 6-1802 SHALL SUBMIT AN ANNUAL REPORT TO THE  
24 DIVISION THAT INCLUDES ALL OF THE FOLLOWING INFORMATION RELATED TO EARNED  
25 WAGE ACCESS SERVICES THAT THE PROVIDER PROVIDED IN THIS STATE DURING THE  
26 PRIOR YEAR:

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

28           2. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED  
29 PROCEEDS TO CONSUMERS.

30           3. THE TOTAL NUMBER OF UNIQUE CONSUMERS TO WHOM THE PROVIDER  
31 PROVIDED PROCEEDS.

32           4. THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE PROVIDER PROVIDED TO  
33 CONSUMERS.

34           5. THE TOTAL DOLLAR AMOUNT OF FEES, VOLUNTARY TIPS, GRATUITIES OR  
35 OTHER DONATIONS THE PROVIDER RECEIVED FROM CONSUMERS.

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

39           7. THE TOTAL AMOUNT OF CLAIMS MADE BY THE PROVIDER AGAINST A  
40 CONSUMER FOR FRAUD OR UNLAWFUL ACTS, INCLUDING THE DOLLAR AMOUNTS OF ANY  
41 CLAIM. THE DIVISION MAY REQUEST FOLLOW-UP 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 MAY TAKE DISCIPLINARY ACTION AGAINST A PROVIDER IF  
4 THE PROVIDER FAILS TO SUBMIT A TIMELY REPORT AS REQUIRED UNDER THIS  
5 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. A PROVIDER REQUIRED TO BE LICENSED UNDER SECTION 6-1802 SHALL  
13 KEEP SUCH BOOKS AND RECORDS THAT, IN THE OPINION OF THE DIVISION, WILL  
14 ENABLE THE DIVISION TO DETERMINE WHETHER THE PROVIDER IS IN COMPLIANCE  
15 WITH THIS CHAPTER.

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

18 A. THE DIVISION MAY DENY RENEWAL OF A LICENSE OR SUSPEND OR REVOKE  
19 A LICENSE IF THE DIVISION FINDS THAT A LICENSEE:

- 20 1. IS INSOLVENT AS DEFINED IN SECTION 47-1201.
- 21 2. HAS FAILED TO PAY THE ANNUAL RENEWAL FEES.
- 22 3. HAS FAILED TO FILE AN ANNUAL REPORT AS REQUIRED BY SECTION  
23 6-1805 BY THE DUE DATE OR WITHIN AN EXTENDED TIME FRAME GRANTED BY THE  
24 DEPUTY DIRECTOR FOR GOOD CAUSE.
- 25 4. HAS FAILED TO HAVE OR MAINTAIN THE SURETY BOND REQUIRED BY  
26 SECTION 6-1802, SUBSECTION F.
- 27 5. EITHER KNOWINGLY OR WITHOUT THE EXERCISE OF DUE CARE TO PREVENT  
28 A VIOLATION, HAS VIOLATED A RULE, ORDER OR ANY PROVISION OF THIS TITLE.
- 29 6. HAS FAILED TO OPERATE THE BUSINESS OF OFFERING OR PROVIDING  
30 EARNED WAGE ACCESS SERVICES IN THIS STATE FOR A CONTINUOUS PERIOD OF  
31 TWELVE MONTHS OR MORE, EXCEPT THAT THE DEPUTY DIRECTOR MAY EXTEND THE TIME  
32 FOR NOT MORE THAN TWELVE ADDITIONAL MONTHS FOR A SINGLE FIXED PERIOD ON  
33 GOOD CAUSE SHOWN.

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

39 6-1807. Mergers and acquisition of control; approval of  
40 deputy director

41 A PERSON LICENSED UNDER THIS CHAPTER MAY NOT MERGE WITH, ACQUIRE  
42 CONTROL OVER OR AGREE TO BE ACQUIRED BY ANOTHER ENTITY WITHOUT THE  
43 APPROVAL OF THE DEPUTY DIRECTOR. THIS SECTION DOES NOT PROHIBIT A  
44 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.