

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0210.01 Jery Payne x2157

HOUSE BILL 26-1046

HOUSE SPONSORSHIP

Camacho and Duran,

SENATE SPONSORSHIP

Frizell and Mullica,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF EARNED-WAGE ACCESS SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, A bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a person to obtain a license to provide earned-wage access services (provider) but allows current providers to continue providing the services without a license until a license is issued or denied. The licensing, administrative, and disciplinary functions of the regulation of providers are performed by the assistant attorney general (administrator) who administers the "Uniform Consumer Credit Code". The administrator is given several powers, including adopting rules, related to this regulation.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

License application and issuance standards and procedures are established. A provider is issued a license if the administrator finds that the financial responsibility, character, and fitness of the applicant and of the applicant's members, managers, partners, officers, and directors are sufficient to demonstrate that the applicant will operate the business honestly and fairly and in compliance with the bill.

The license fee is set by the administrator to cover the cost of regulating providers. Administrative procedures are established. A license is valid for one year, and to renew a license, a licensee must file a renewal form annually. If a licensee fails to pay the prescribed renewal fee on or before May 1 of each year, the licensee must pay a penalty of \$5 per day per license until the license is renewed, but if a licensee fails to pay the appropriate renewal and penalty fees by May 15, the licensee's license automatically expires.

The administrator may deny an application for a license or take disciplinary action against a licensee for failing to meet the standards set in the bill.

To discipline a provider, the administrator may deny an application for licensure, revoke the license, suspend the license, issue a cease-and-desist order, impose a civil penalty of up to \$1,000 per violation, bar the person from applying for or holding a license for 5 years after a revocation, issue a letter of admonition, or impose a penalty of \$200 per day for records violations. A respondent aggrieved by an action or order of the administrator may obtain judicial review of the action or order in the Colorado court of appeals.

A licensee is required to maintain records in conformity with the bill, rules adopted under the bill, and generally accepted accounting principles and practices in a manner that will enable the administrator to determine if the licensee is complying with the bill. A licensee shall give the administrator free access to the records in the licensee's storage location. A licensee need not preserve records pertaining to an earned-wage access services transaction for more than one year. Standards are set for this access.

A licensee must file an annual report that includes all relevant information that the bill and the administrator reasonably require concerning the business and operations conducted during the preceding calendar year. Standards are set for the report. The administrator must keep the report confidential and not open it to the public for inspection pursuant to the "Colorado Open Records Act". If a licensee fails to file an annual report by April 15, the administrator may impose a penalty of \$5 per day until the report is filed, but if the licensee fails to file the report and pay this penalty by May 1 of the same year, the licensee's license automatically expires.

After the administrator has examined a licensee's records, the administrator shall provide a report of the examination to the licensee and

may require the licensee to take corrective action. The licensee shall take the corrective action and provide proof that the corrective action was taken. The administrator is prohibited from disclosing the name or identity of a person whose acts or conduct is under investigation or examination or the facts disclosed in the investigation or examination, except for disclosures in actions or enforcement proceedings.

A provider has the duty to:

- Develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers;
- If the provider offers a consumer the option to receive proceeds for a service fee (proceeds), offer to the consumer at least one reasonable option to obtain proceeds at no cost to the consumer and clearly explain how to elect the no-cost option;
- Make certain disclosures about the earned-wage access services to the consumer;
- Inform the consumer before implementing material changes to the terms and conditions of the earned-wage access services agreement;
- Allow the consumer to cancel use of the earned-wage access services at any time without incurring a cancellation fee;
- Provide proceeds to a consumer by the means mutually agreed upon by the consumer and the provider; and
- To be repaid for outstanding proceeds or payment of service fees or other amounts owed in connection with earned-wage access services from a consumer's account at a depository institution, comply with federal law and reimburse the consumer for the full amount of any overdraft or insufficient funds fees imposed on the consumer that were caused by the provider attempting to seek payment on a date before the date or in an amount different from the amount disclosed to the consumer.

A provider shall not:

- Share with an employer a portion of a service fee that was received from or charged to a consumer for earned-wage access services;
- Require a consumer's credit score provided by a consumer reporting agency to determine the consumer's eligibility for earned-wage access services;
- Accept payment of outstanding proceeds or service fees from a consumer by means of a credit card or charge card;
- Charge a consumer a late fee, a deferral fee, interest, or any other penalty or charge for failure to pay outstanding

1 ACCESS SERVICES ACT".

2 **5-22-102. Definitions.**

3 AS USED IN THIS ARTICLE 22, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (1) "ADMINISTRATOR" MEANS THE ASSISTANT ATTORNEY GENERAL
6 OR THE ATTORNEY GENERAL'S DESIGNEE EXERCISING THE POWERS AND
7 PERFORMING THE DUTIES OF THE ADMINISTRATOR PURSUANT TO PART 1 OF
8 ARTICLE 6 OF THIS TITLE 5.

9 (2) "CONSUMER" MEANS AN INDIVIDUAL WHO RESIDES IN THE
10 STATE.

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

16 (4) "EARNED BUT UNPAID INCOME" MEANS SALARY, WAGES,
17 COMPENSATION, OR OTHER INCOME THAT HAS NOT BEEN PAID TO A
18 CONSUMER BY THE CONSUMER'S EMPLOYER AND THAT THE CONSUMER OR
19 AN EMPLOYER HAS REPRESENTED AND A PROVIDER HAS REASONABLY
20 DETERMINED HAS BEEN EARNED OR ACCRUED TO THE BENEFIT OF THE
21 CONSUMER BY THE CONSUMER'S PROVISION OF SERVICES:

22 (a) TO THE EMPLOYER;

23 (b) ON BEHALF OF THE EMPLOYER; OR

24 (c) AS AN INDEPENDENT CONTRACTOR.

25 (5) "EARNED-WAGE ACCESS SERVICES" MEANS
26 CONSUMER-DIRECTED WAGE ACCESS SERVICES OR EMPLOYER-INTEGRATED
27 WAGE ACCESS SERVICES.

1 (6) (a) "EMPLOYER" MEANS:
2 (I) A PERSON THAT EMPLOYS A CONSUMER; OR
3 (II) ANOTHER PERSON THAT IS CONTRACTUALLY OBLIGATED TO
4 PAY A CONSUMER EARNED BUT UNPAID INCOME.

5 (b) "EMPLOYER" DOES NOT INCLUDE:
6 (I) A CUSTOMER OF THE EMPLOYER; OR
7 (II) ANOTHER PERSON WHOSE OBLIGATION TO MAKE A PAYMENT
8 OF SALARY, WAGES, COMPENSATION, OR OTHER INCOME TO A CONSUMER
9 IS NOT BASED ON THE PROVISION OF SERVICES BY THAT CONSUMER FOR OR
10 ON BEHALF OF THE PERSON.

11 (7) "EMPLOYER-INTEGRATED WAGE ACCESS SERVICES" MEANS
12 SERVICES THAT PROVIDE CONSUMER ACCESS TO EARNED BUT UNPAID
13 INCOME THAT IS BASED ON EMPLOYMENT, INCOME, OR ATTENDANCE DATA
14 OBTAINED FROM AN EMPLOYER OR AN EMPLOYER'S PAYROLL SERVICE
15 PROVIDER.

16 (8) "FUND" MEANS THE EARNED-WAGE ACCESS FUND CREATED IN
17 SECTION 5-22-115.

18 (9) "LICENSEE" MEANS A PROVIDER LICENSED BY THE
19 ADMINISTRATOR PURSUANT TO THIS ARTICLE 22 TO PROVIDE
20 EARNED-WAGE ACCESS SERVICES.

21 (10) "OUTSTANDING PROCEEDS" MEANS PROCEEDS PAID TO A
22 CONSUMER BY A PROVIDER THAT HAVE NOT YET BEEN REPAID TO THE
23 PROVIDER.

24 (11) "PROCEEDS" MEANS A PAYMENT TO A CONSUMER BY A
25 PROVIDER THAT IS BASED ON EARNED BUT UNPAID INCOME.

26 (12) (a) "PROVIDER" MEANS A PERSON THAT PROVIDES
27 EARNED-WAGE ACCESS SERVICES.

1 (b) "PROVIDER" DOES NOT INCLUDE:

2 (I) A SERVICE VENDOR, INCLUDING A PAYROLL SERVICE OR A
3 SERVICE THAT VERIFIES AVAILABLE EARNINGS, THAT IS NOT
4 CONTRACTUALLY OBLIGATED TO FUND PROCEEDS DELIVERED AS PART OF
5 AN EARNED-WAGE ACCESS SERVICE;

6 (II) AN EMPLOYER THAT OFFERS A PORTION OF SALARY, WAGES, OR
7 COMPENSATION DIRECTLY TO ITS EMPLOYEES OR INDEPENDENT
8 CONTRACTORS BEFORE THE NORMALLY SCHEDULED PAY DATE; OR

9 (III) AN ENTITY THAT OFFERS OR PROVIDES EARNED-WAGE ACCESS
10 SERVICES AND REPORTS A CONSUMER'S PAYMENT OR NONPAYMENT OF
11 OUTSTANDING PROCEEDS OR SERVICE FEES SOLELY ATTRIBUTABLE TO THE
12 EARNED-WAGE ACCESS SERVICES TO A CONSUMER REPORTING AGENCY
13 THAT COMPILES AND MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE
14 BASIS, AS DEFINED IN THE FEDERAL "FAIR CREDIT REPORTING ACT", 15
15 U.S.C. SEC. 1681a (p).

16 (13) "SERVICE FEE" MEANS:

17 (a) A FEE IMPOSED BY A PROVIDER FOR DELIVERY OR EXPEDITED
18 DELIVERY OF PROCEEDS TO A CONSUMER; OR

19 (b) A SUBSCRIPTION OR MEMBERSHIP FEE IMPOSED BY A PROVIDER
20 FOR A BONA FIDE GROUP OF SERVICES THAT INCLUDE EARNED-WAGE
21 ACCESS SERVICES.

22 **5-22-103. Earned-wage access services - license - application**
23 **- renewal - fees - rules.**

24 (1) (a) BEGINNING NINETY-ONE DAYS AFTER THE EFFECTIVE DATE
25 OF THIS ARTICLE 22, A PERSON SHALL NOT PROVIDE EARNED-WAGE ACCESS
26 SERVICES OR ACT AS A PROVIDER WITHOUT A LICENSE ISSUED BY THE
27 ADMINISTRATOR IN ACCORDANCE WITH THIS ARTICLE 22.

1 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A
2 PROVIDER THAT AS OF NINETY-ONE DAYS AFTER THE EFFECTIVE DATE OF
3 THIS ARTICLE 22 WAS ENGAGED IN THE BUSINESS OF PROVIDING
4 EARNED-WAGE ACCESS SERVICES IN COLORADO MAY, UNTIL THE
5 ADMINISTRATOR HAS ISSUED OR DENIED A LICENSE TO THE PROVIDER,
6 CONTINUE TO ENGAGE IN THE BUSINESS OF OFFERING AND PROVIDING
7 EARNED-WAGE ACCESS SERVICES IN COLORADO IF THE PERSON:

8 (I) HAS SUBMITTED A LICENSE APPLICATION WITHIN SIX MONTHS
9 AFTER THE ADMINISTRATOR PRESCRIBES THE FORM AND CONTENT OF THE
10 APPLICATION; AND

11 (II) IS OTHERWISE IN COMPLIANCE WITH THIS ARTICLE 22.

12 (2) (a) TO BE ISSUED A LICENSE, AN APPLICANT MUST SUBMIT AN
13 APPLICATION TO THE ADMINISTRATOR IN A FORM AND MANNER
14 PRESCRIBED BY THE ADMINISTRATOR.

15 (b) THE APPLICATION MUST INCLUDE:

16 (I) THE NAME, MAILING ADDRESS, AND PHYSICAL LOCATION OF THE
17 APPLICANT'S BUSINESS;

18 (II) A LICENSE APPLICATION FEE SET IN ACCORDANCE WITH
19 SECTION 5-22-111; AND

20 (III) ANY OTHER INFORMATION AS DETERMINED BY THE
21 ADMINISTRATOR.

22 (c) THE ADMINISTRATOR SHALL REVIEW EACH APPLICATION AND
23 DETERMINE WHETHER THE APPLICANT QUALIFIES FOR A LICENSE.

24 (3) (a) THE ADMINISTRATOR SHALL NOT ISSUE A LICENSE TO AN
25 APPLICANT UNLESS:

26 (I) THE ADMINISTRATOR, UPON INVESTIGATION, FINDS THAT THE
27 FINANCIAL RESPONSIBILITY, CHARACTER, AND FITNESS OF THE APPLICANT

1 AND OF THE APPLICANT'S MEMBERS, MANAGERS, PARTNERS, OFFICERS,
2 AND DIRECTORS ARE SUFFICIENT SO THAT THE ADMINISTRATOR BELIEVES
3 THAT THE APPLICANT WILL OPERATE THE BUSINESS HONESTLY AND FAIRLY
4 AND IN COMPLIANCE WITH THIS ARTICLE 22; AND

5 (II) THE LICENSE APPLICATION FEE IS PAID.

6 (b) THE ADMINISTRATOR MAY DENY AN APPLICATION FOR A
7 LICENSE FOR A VIOLATION DESCRIBED IN SECTION 5-22-104.

8 (4) (a) IF THE ADMINISTRATOR DENIES AN APPLICATION, UPON
9 WRITTEN REQUEST OF THE APPLICANT, THE ADMINISTRATOR SHALL HOLD
10 A HEARING ON THE QUESTION OF THE APPLICANT'S QUALIFICATIONS FOR A
11 LICENSE.

12 (b) IN ORDER FOR A HEARING TO TAKE PLACE PURSUANT TO
13 SUBSECTION (4)(a) OF THIS SECTION, AN APPLICANT MUST REQUEST THE
14 HEARING NOT MORE THAN SIXTY DAYS AFTER THE ADMINISTRATOR HAS
15 MAILED A WRITTEN NOTIFICATION TO THE APPLICANT STATING THAT THE
16 APPLICATION HAS BEEN DENIED AND STATING THE SUBSTANTIVE REASONS
17 FOR THE ADMINISTRATOR'S FINDINGS SUPPORTING THE DENIAL OF THE
18 APPLICATION.

19 (5) A LICENSEE SHALL NOT ENGAGE IN THE BUSINESS OF A
20 PROVIDER UNDER ANY OTHER NAME THAN THAT STATED IN THE LICENSE.
21 THE ADMINISTRATOR MAY BY RULE ESTABLISH AN ADMINISTRATIVE
22 PROCESS AND FEE FOR A PROVIDER NAME CHANGE.

23 (6) A LICENSE IS VALID FOR ONE YEAR. TO RENEW A LICENSE, A
24 LICENSEE MUST FILE A RENEWAL FORM ANNUALLY IN A FORM AND
25 MANNER PRESCRIBED BY THE ADMINISTRATOR AND INCLUDE A RENEWAL
26 FEE ESTABLISHED IN ACCORDANCE WITH SECTION 5-22-111 (3). THE FEE
27 AND RENEWAL FORM IS DUE TO THE ADMINISTRATOR ON OR BEFORE APRIL

1 15 OF EACH YEAR. IF A LICENSEE FAILS TO PAY THE PRESCRIBED RENEWAL
2 FEE ON OR BEFORE MAY 1 OF EACH YEAR, THE LICENSEE SHALL PAY A
3 PENALTY OF FIVE DOLLARS PER DAY PER LICENSE BEGINNING MAY 2 AND
4 UNTIL THE DATE THE PAYMENT IS MADE. IF A LICENSEE FAILS TO PAY THE
5 APPROPRIATE RENEWAL AND PENALTY FEES ON OR BEFORE MAY 15, THE
6 LICENSEE'S LICENSE AUTOMATICALLY EXPIRES.

7 **5-22-104. License - denial - grounds for discipline.**

8 (1) THE ADMINISTRATOR MAY DENY AN APPLICATION FOR A
9 LICENSE OR TAKE DISCIPLINARY ACTION AGAINST A LICENSEE UNDER THIS
10 ARTICLE 22 IF:

11 (a) THE APPLICANT OR LICENSEE VIOLATED THIS ARTICLE 22 OR A
12 RULE ADOPTED BY THE ADMINISTRATOR UNDER THIS ARTICLE 22;

13 (b) FACTS OR CONDITIONS EXIST THAT WOULD HAVE JUSTIFIED THE
14 ADMINISTRATOR'S REFUSAL TO GRANT A LICENSE TO THE LICENSEE HAD
15 THESE FACTS OR CONDITIONS BEEN KNOWN TO EXIST AT THE TIME THE
16 APPLICATION FOR THE LICENSE WAS MADE;

17 (c) THE APPLICANT FAILED TO COMPLETE A LICENSE APPLICATION;

18 (d) THE APPLICANT OR LICENSEE FAILED TO PROVIDE INFORMATION
19 REQUIRED BY THE ADMINISTRATOR WITHIN A REASONABLE TIME AS
20 DETERMINED BY THE ADMINISTRATOR;

21 (e) THE APPLICANT OR LICENSEE FAILED TO PROVIDE OR MAINTAIN
22 PROOF OF FINANCIAL RESPONSIBILITY;

23 (f) THE APPLICANT OR LICENSEE IS INSOLVENT;

24 (g) THE APPLICANT OR LICENSEE MADE A FALSE REPRESENTATION
25 OF A MATERIAL FACT OR OMITTED A MATERIAL FACT IN A DOCUMENT OR
26 STATEMENT FILED WITH THE ADMINISTRATOR;

27 (h) THE APPLICANT, THE LICENSEE, OR THE APPLICANT'S OR

1 LICENSEE'S MEMBERS, MANAGERS, PARTNERS, OFFICERS, OR DIRECTORS
2 HAVE BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO
3 CONTENDERE TO:

4 (I) A CRIME SPECIFIED IN PART 4 OF ARTICLE 4 OF TITLE 18 OR IN
5 PART 1, 2, 3, 5, OR 7 OF ARTICLE 5 OF TITLE 18;

6 (II) A CRIME INVOLVING FRAUD OR DECEIT; OR

7 (III) A CRIME OF ANOTHER STATE OR THE UNITED STATES THAT IS
8 SUBSTANTIALLY SIMILAR TO A CRIME LISTED IN SUBSECTION (1)(h)(I) OR
9 (1)(h)(II) OF THIS SECTION;

10 (i) THE PROVIDER FAILED TO MAKE, MAINTAIN, OR PRODUCE
11 RECORDS THAT COMPLY WITH SECTION 5-22-105 OR A RULE ADOPTED BY
12 THE ADMINISTRATOR TO IMPLEMENT SECTION 5-22-105;

13 (j) THE APPLICANT OR LICENSEE HAS BEEN THE SUBJECT OF A
14 DISCIPLINARY ACTION BY A STATE OR FEDERAL AGENCY;

15 (k) A FINAL JUDGMENT HAS BEEN ENTERED AGAINST THE
16 APPLICANT OR LICENSEE FOR VIOLATIONS OF THIS ARTICLE 22 OR A STATE
17 OR FEDERAL LAW PROHIBITING DECEPTIVE OR UNFAIR TRADE OR BUSINESS
18 PRACTICES; OR

19 (l) AFTER THE ADMINISTRATOR COMMENCED AN EXAMINATION OR
20 INVESTIGATION OF THE PROVIDER, THE APPLICANT OR LICENSEE FAILED TO,
21 IN A TIMELY MANNER AS FIXED BY THE ADMINISTRATOR, TAKE OR PROVIDE
22 PROOF OF A CORRECTIVE ACTION REQUIRED BY THE ADMINISTRATOR
23 PURSUANT TO SECTION 5-22-106 (5).

24 (2) IF THE ADMINISTRATOR DETERMINES THAT THE SUSPENSION OR
25 REVOCATION OF A LICENSEE'S LICENSE IS WARRANTED, THE
26 ADMINISTRATOR SHALL MAKE THE DETERMINATION IN ACCORDANCE WITH
27 SECTION 24-4-104.

1 (3) IF THE ADMINISTRATOR DENIES A LICENSE APPLICATION OR
2 TAKES DISCIPLINARY ACTION PURSUANT TO THIS SECTION, THE
3 ADMINISTRATOR SHALL NOTIFY THE APPLICANT OR LICENSEE OF THE
4 DENIAL OR DISCIPLINARY ACTION WITHIN FIFTEEN DAYS AFTER TAKING
5 THE ACTION AND SHALL MAKE A RECORD OF THE NOTIFICATION. THE
6 ADMINISTRATOR SHALL NOTIFY THE APPLICANT OR LICENSEE BY A MEANS
7 REASONABLY EXPECTED TO NOTIFY THE AFFECTED APPLICANT OR
8 LICENSEE OR BY A MEANS ACCEPTABLE TO THE APPLICANT OR LICENSEE.

9 (4) A LICENSEE MAY RELINQUISH THEIR LICENSE BY NOTIFYING THE
10 ADMINISTRATOR IN WRITING OF THE RELINQUISHMENT. EXPIRATION OR
11 RELINQUISHMENT OF A LICENSE DOES NOT AFFECT THE LICENSEE'S
12 LIABILITY FOR ACTS PREVIOUSLY COMMITTED NOR IMPAIR THE
13 ADMINISTRATOR'S ABILITY TO ISSUE A FINAL AGENCY ORDER OR IMPOSE
14 DISCIPLINE AGAINST THE LICENSEE.

15 (5) A REVOCATION, SUSPENSION, OR RELINQUISHMENT OF A
16 LICENSE DOES NOT IMPAIR OR AFFECT THE OBLIGATION OF A PREEXISTING
17 LAWFUL CONTRACT BETWEEN A LICENSEE AND A CONSUMER.

18 (6) THE ADMINISTRATOR MAY REINSTATE A LICENSE, TERMINATE
19 A SUSPENSION, OR GRANT A NEW LICENSE TO A PERSON WHOSE LICENSE
20 HAS BEEN REVOKED OR SUSPENDED IF NO FACT OR CONDITION THEN EXISTS
21 THAT JUSTIFIES A REFUSAL TO REINSTATE THE LICENSE, TERMINATE THE
22 SUSPENSION, OR GRANT THE NEW LICENSE.

23 (7) IF THE ADMINISTRATOR FINDS THAT ONE OR MORE OF THE
24 CONDITIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION EXIST, THE
25 ADMINISTRATOR MAY DO ONE OR MORE OF THE FOLLOWING:

26 (a) DENY THE APPLICATION FOR LICENSURE;

27 (b) REVOKE THE LICENSE;

- 1 (c) SUSPEND THE LICENSE FOR A PERIOD OF TIME;
- 2 (d) ISSUE AN ORDER TO A PROVIDER TO CEASE AND DESIST FROM
3 SPECIFIC ACTS;
- 4 (e) IMPOSE A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS
5 FOR EACH VIOLATION;
- 6 (f) BAR THE PERSON FROM APPLYING FOR OR HOLDING A LICENSE
7 FOR A PERIOD OF FIVE YEARS FOLLOWING REVOCATION OF THEIR LICENSE;
- 8 (g) ISSUE A LETTER OF ADMONITION; OR
- 9 (h) (I) IMPOSE A PENALTY OF TWO HUNDRED DOLLARS PER DAY
10 FOR:
- 11 (A) FAILURE TO MAKE OR RETAIN RECORDS REQUIRED TO BE MADE
12 OR MAINTAINED UNDER THIS ARTICLE 22; OR
- 13 (B) FAILURE TO PRODUCE RECORDS REQUIRED TO BE MADE OR
14 MAINTAINED UNDER THIS ARTICLE 22 WITHIN SEVENTY-TWO HOURS AFTER
15 AN ADMINISTRATOR'S WRITTEN REQUEST.
- 16 (II) IF THE ADMINISTRATOR HAS PROVIDED ADVANCE WRITTEN
17 NOTICE OF SEVENTY-TWO HOURS OR MORE TO A LICENSEE PRIOR TO
18 CONDUCTING AN EXAMINATION PURSUANT TO SECTION 5-22-106, THE
19 CIVIL PENALTY MAY BE IMPOSED WITHOUT ALLOWING ADDITIONAL TIME.
- 20 (8) FOR DISCIPLINARY ACTION IMPOSED UNDER SUBSECTION (7)(g)
21 OR (7)(h) OF THIS SECTION, THE ADMINISTRATOR MAY IMPOSE DISCIPLINE
22 WITHOUT A HEARING, BUT THE LICENSEE MAY, WITHIN THIRTY DAYS AFTER
23 THE DATE THE DISCIPLINE IS IMPOSED, FILE A WRITTEN NOTICE WITH THE
24 ADMINISTRATOR REQUESTING A HEARING. IF THE REQUEST IS TIMELY
25 MADE, A LETTER OF ADMONITION ISSUED PURSUANT TO SUBSECTION (7)(g)
26 OF THIS SECTION IS VACATED AND THE ADMINISTRATOR SHALL HOLD A
27 HEARING WITHIN NINETY DAYS AFTER THE REQUEST. IF, AFTER THE

1 HEARING, THE ADMINISTRATOR OR AN ADMINISTRATIVE LAW JUDGE FINDS
2 THAT ONE OR MORE OF THE GROUNDS FOR DISCIPLINE EXIST, ANY OR ALL
3 OF THE FORMS OF DISCIPLINE LISTED IN THIS SECTION MAY BE IMPOSED.

4 **5-22-105. Records - annual reports - rules.**

5 (1) (a) A LICENSEE SHALL MAINTAIN RECORDS IN CONFORMITY
6 WITH THIS SECTION, RULES ADOPTED BY THE ADMINISTRATOR UNDER THIS
7 SECTION, AND GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND
8 PRACTICES IN A MANNER THAT WILL ENABLE THE ADMINISTRATOR TO
9 DETERMINE IF THE LICENSEE IS COMPLYING WITH THIS ARTICLE 22.

10 (b) A LICENSEE MAY KEEP REQUIRED RECORDS IN ANY LOCATION
11 SO LONG AS THE LICENSEE IS REASONABLY ABLE TO COMPLY WITH THIS
12 SECTION. A LICENSEE SHALL GIVE THE ADMINISTRATOR FREE AND
13 REASONABLE ACCESS TO THE RECORDS IN THE LICENSEE'S STORAGE
14 LOCATION. A LICENSEE NEED NOT PRESERVE RECORDS PERTAINING TO AN
15 EARNED-WAGE ACCESS SERVICES TRANSACTION MADE AS PART OF THE
16 LICENSEE'S BUSINESS FOR MORE THAN ONE YEAR AFTER MAKING THE FINAL
17 ENTRY RELATED TO THE EARNED-WAGE ACCESS SERVICES TRANSACTION.

18 (2) ON OR BEFORE APRIL 15 OF EACH YEAR, A LICENSEE SHALL FILE
19 AN ANNUAL REPORT WITH THE ADMINISTRATOR THAT INCLUDES ALL
20 RELEVANT INFORMATION, INCLUDING INFORMATION REGARDING
21 EARNED-WAGE ACCESS SERVICES ACTIVITIES, THAT THIS SUBSECTION (2)
22 AND THE ADMINISTRATOR REASONABLY REQUIRE CONCERNING THE
23 BUSINESS AND OPERATIONS CONDUCTED BY THE LICENSEE IN THE STATE
24 DURING THE PRECEDING CALENDAR YEAR. THE REPORT MUST INCLUDE:

25 (a) THE GROSS REVENUE ATTRIBUTABLE TO EARNED-WAGE ACCESS
26 SERVICES;

27 (b) THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE LICENSEE

1 PROVIDED PROCEEDS TO CONSUMERS;

2 (c) THE TOTAL NUMBER OF CONSUMERS TO WHOM THE LICENSEE
3 PROVIDED PROCEEDS;

4 (d) THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE LICENSEE
5 PROVIDED TO CONSUMERS; AND

6 (e) THE TOTAL DOLLAR AMOUNT OF SERVICE FEES THE PROVIDER
7 RECEIVED FROM CONSUMERS.

8 (3) THE ADMINISTRATOR SHALL KEEP THE REPORTS FILED
9 PURSUANT TO THIS SECTION CONFIDENTIAL AND NOT OPEN THEM TO THE
10 PUBLIC FOR INSPECTION PURSUANT TO "CORA", PART 2 OF ARTICLE 72 OF
11 TITLE 24. THE ADMINISTRATOR MAY ANNUALLY PUBLISH AND MAKE
12 AVAILABLE TO THE PUBLIC AN AGGREGATED AND ANONYMIZED ANALYSIS
13 OF THE INFORMATION SUBMITTED BY ALL LICENSEES AS REQUIRED IN
14 SUBSECTION (2) OF THIS SECTION. THE ANALYSIS MUST NOT INCLUDE
15 PERSONALLY IDENTIFYING INFORMATION OF A CONSUMER.

16 (4) A LICENSEE SHALL SUBMIT THE REPORT REQUIRED IN
17 SUBSECTION (2) OF THIS SECTION UNDER OATH OR AFFIRMATION AND IN
18 THE FORM PRESCRIBED BY THE ADMINISTRATOR BY RULE.

19 (5) IF A LICENSEE FAILS TO FILE AN ANNUAL REPORT ON OR BEFORE
20 APRIL 15, THE ADMINISTRATOR MAY IMPOSE A PENALTY OF FIVE DOLLARS
21 PER DAY BEGINNING APRIL 16 AND EACH DAY THEREAFTER UNTIL THE
22 DATE OF THE FILED REPORT. IF A LICENSEE FAILS TO FILE THE REPORT AND
23 PAY THE PENALTY IMPOSED ON OR BEFORE MAY 1 OF THE SAME YEAR, THE
24 LICENSEE'S LICENSE AUTOMATICALLY EXPIRES.

25 **5-22-106. Examinations - investigations.**

26 (1) UPON REQUEST OF THE ADMINISTRATOR, A PROVIDER SHALL
27 GIVE THE ADMINISTRATOR FREE AND REASONABLE ACCESS TO THE

1 PROVIDER'S RECORDS FOR THE ADMINISTRATOR TO EXAMINE FOR THE
2 PURPOSE OF INVESTIGATING POSSIBLE VIOLATIONS OF THIS ARTICLE 22 OR
3 AS A MEANS OF LAWFULLY SECURING INFORMATION RETAINED BY THE
4 PROVIDER.

5 (2) (a) (I) IF A PROVIDER'S RECORDS ARE LOCATED OUTSIDE
6 COLORADO, THE PROVIDER SHALL, AT THE PROVIDER'S OPTION, EITHER
7 MAKE THE RECORDS AVAILABLE TO THE ADMINISTRATOR AT A
8 CONVENIENT LOCATION WITHIN THE STATE OR PAY THE REASONABLE AND
9 NECESSARY EXPENSES FOR THE ADMINISTRATOR OR THE ADMINISTRATOR'S
10 REPRESENTATIVE TO EXAMINE THE RECORDS AT THE LOCATION WHERE THE
11 RECORDS ARE MAINTAINED. THIS SUBSECTION (2)(a)(I) DOES NOT APPLY
12 IF SUBSECTION (2)(a)(II) OF THIS SECTION APPLIES.

13 (II) THE PROVIDER SHALL MAKE, AT THE COST OF THE PROVIDER,
14 THE PROVIDER'S RECORDS AVAILABLE FOR EXAMINATION AT THE
15 ADMINISTRATOR'S OFFICE OR AT ANOTHER LOCATION THE ADMINISTRATOR
16 DETERMINES IS APPROPRIATE IF THE ADMINISTRATOR DETERMINES THAT:

17 (A) THE EXAMINATION OF THE RECORDS AT THE LOCATION WHERE
18 THE RECORDS ARE MAINTAINED ENDANGERS THE SAFETY OF THE
19 ADMINISTRATOR OR THE ADMINISTRATOR'S REPRESENTATIVE; OR

20 (B) THERE ARE NOT ADEQUATE FACILITIES AT THE LOCATION
21 WHERE THE RECORDS ARE MAINTAINED TO CONDUCT THE EXAMINATION.

22 (b) THE ADMINISTRATOR MAY DESIGNATE REPRESENTATIVES,
23 INCLUDING COMPARABLE OFFICIALS OF THE STATE IN WHICH THE RECORDS
24 ARE LOCATED, TO INSPECT THE RECORDS ON THE ADMINISTRATOR'S
25 BEHALF.

26 (c) IF A PROVIDER'S RECORDS ARE LOCATED INSIDE COLORADO,
27 THE ADMINISTRATOR MAY REQUIRE A PROVIDER TO MAKE, AT THE COST OF

1 THE PROVIDER, THE PROVIDER'S RECORDS AVAILABLE FOR EXAMINATION
2 AT THE ADMINISTRATOR'S OFFICE OR AT ANOTHER LOCATION THE
3 ADMINISTRATOR DETERMINES IS APPROPRIATE IF THE ADMINISTRATOR
4 DETERMINES THAT:

5 (I) THE EXAMINATION OF THE RECORDS AT THE LOCATION WHERE
6 THE RECORDS ARE MAINTAINED ENDANGERS THE SAFETY OF THE
7 ADMINISTRATOR OR THE ADMINISTRATOR'S REPRESENTATIVE; OR

8 (II) THERE ARE NOT ADEQUATE FACILITIES AT THE LOCATION
9 WHERE THE RECORDS ARE MAINTAINED TO CONDUCT THE EXAMINATION.

10 (3) THE ADMINISTRATOR MAY ADMINISTER OATHS OR
11 AFFIRMATIONS AND, UPON THE ADMINISTRATOR'S OWN MOTION OR UPON
12 THE REQUEST OF ANY PARTY, MAY SUBPOENA WITNESSES AND COMPEL
13 THEIR ATTENDANCE, ADDUCE EVIDENCE, AND REQUIRE THE PRODUCTION
14 OF ANY MATTER THAT IS RELEVANT TO THE INVESTIGATION, INCLUDING
15 THE EXISTENCE, DESCRIPTION, NATURE, CUSTODY, CONDITION, AND
16 LOCATION OF ANY BOOKS, DOCUMENTS, OR OTHER TANGIBLE THINGS AND
17 THE IDENTITY AND LOCATION OF PERSONS HAVING KNOWLEDGE OF
18 RELEVANT FACTS OR ANY OTHER MATTER REASONABLY CALCULATED TO
19 LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE.

20 (4) IF A PROVIDER FAILS TO OBEY A SUBPOENA OR TO GIVE
21 TESTIMONY WITHOUT LAWFUL EXCUSE, THE ADMINISTRATOR MAY
22 REQUEST AN ORDER OF COMPLIANCE FROM THE APPROPRIATE DISTRICT
23 COURT.

24 (5) AFTER THE ADMINISTRATOR HAS EXAMINED A LICENSEE'S
25 RECORDS PURSUANT TO THIS SECTION, THE ADMINISTRATOR SHALL
26 PROVIDE A REPORT OF THE EXAMINATION TO THE LICENSEE AND MAY
27 REQUIRE THE LICENSEE TO TAKE CORRECTIVE ACTION. THE LICENSEE

1 SHALL, WITHIN A TIME AND IN A MANNER DETERMINED BY THE
2 ADMINISTRATOR, TAKE THE CORRECTIVE ACTION REQUIRED IN THE REPORT
3 AND PROVIDE PROOF THAT THE CORRECTIVE ACTION WAS TAKEN. THE
4 CORRECTIVE ACTION REQUIRED MAY INCLUDE REFUNDS OF EXCESS
5 CHARGES AND CORRECTIONS OF DISCLOSURES REQUIRED BY THIS ARTICLE
6 22. THE ADMINISTRATOR NEED NOT ALLOW A LICENSEE TO TAKE
7 CORRECTIVE ACTION PRIOR TO THE ADMINISTRATOR FILING LEGAL OR
8 ADMINISTRATIVE ACTION FOR A REPEATED OR WILLFUL VIOLATION OF THIS
9 ARTICLE 22.

10 (6) THE ADMINISTRATOR SHALL NOT DISCLOSE THE NAME OR
11 IDENTITY OF A PERSON WHOSE ACTS OR CONDUCT IS UNDER
12 INVESTIGATION OR EXAMINATION PURSUANT TO THIS SECTION OR THE
13 FACTS DISCLOSED IN THE INVESTIGATION OR EXAMINATION, EXCEPT FOR
14 DISCLOSURES IN ACTIONS OR ENFORCEMENT PROCEEDINGS INITIATED
15 PURSUANT TO THIS ARTICLE 22.

16 **5-22-107. Administrative procedures - applicability.**

17 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 22, SECTIONS
18 24-4-102 TO 24-4-106 GOVERN RULES ADOPTED AND ADMINISTRATIVE
19 ACTIONS TAKEN BY THE ADMINISTRATOR PURSUANT TO THIS ARTICLE 22;
20 EXCEPT THAT SECTION 24-4-104 (3) DOES NOT APPLY TO THIS ARTICLE 22.

21 **5-22-108. Applicability - exceptions.**

22 (1) THIS ARTICLE 22 APPLIES TO A PERSON THAT ACTS AS A
23 PROVIDER FOR A CONSUMER, REGARDLESS OF WHETHER THE PROVIDER'S
24 BUSINESS IS LOCATED INSIDE OR OUTSIDE OF COLORADO.

25 (2) THIS ARTICLE 22 DOES NOT APPLY TO A FEDERAL DEPARTMENT
26 OR AGENCY; A STATE OR MUNICIPAL GOVERNMENT; OR A CORPORATION
27 ORGANIZED UNDER THE GENERAL BANKING, SAVINGS AND LOAN, OR

1 CREDIT UNION LAWS OF COLORADO, ANOTHER STATE, OR THE UNITED
2 STATES.

3 (3) NOTWITHSTANDING THE "UNIFORM CONSUMER CREDIT CODE",
4 ARTICLES 1 TO 9 OF THIS TITLE 5:

5 (a) EARNED-WAGE ACCESS SERVICES OFFERED AND PROVIDED BY
6 A LICENSEE IN ACCORDANCE WITH THIS ARTICLE 22 ARE NOT:

7 (I) A VIOLATION OF OR NONCOMPLIANT WITH A LAW GOVERNING:

8 (A) MINIMUM OR OVERTIME WAGES;

9 (B) DEDUCTIONS FROM PAYROLL, SALARY, WAGES,
10 COMPENSATION, OR OTHER INCOME; OR

11 (C) THE PURCHASE OF, SALE OR ASSIGNMENT OF, OR AN ORDER FOR
12 EARNED BUT UNPAID INCOME;

13 (II) A LOAN OR OTHER FORM OF CREDIT OR DEBT; OR

14 (III) MONEY TRANSMISSION;

15 (b) A LICENSEE OR A PROVIDER THAT IS LAWFULLY OPERATING
16 UNDER SECTION 5-22-103 (1)(b) PENDING LICENSURE IS NOT A CREDITOR,
17 DEBT COLLECTOR, COLLECTION AGENCY, LENDER, OR MONEY
18 TRANSMITTER WHEN PROVIDING EARNED-WAGE ACCESS SERVICES; AND

19 (c) SERVICE FEES PAID IN ACCORDANCE WITH THIS ARTICLE 22 TO
20 A LICENSEE ARE NOT INTEREST OR FINANCE CHARGES.

21 (4) (a) EARNED-WAGE ACCESS SERVICES OFFERED AND PROVIDED
22 BY A LICENSEE IN ACCORDANCE WITH THIS ARTICLE 22 ARE NOT:

23 (I) A VIOLATION OF OR NONCOMPLIANT WITH A LAW GOVERNING:

24 (A) DEDUCTIONS FROM PAYROLL, SALARY, WAGES,
25 COMPENSATION, OR OTHER INCOME; OR

26 (B) THE PURCHASE OF, SALE OR ASSIGNMENT OF, OR AN ORDER FOR
27 EARNED BUT UNPAID INCOME;

1 (II) A LOAN OR OTHER FORM OF CREDIT OR DEBT, NOR SHALL THE
2 LICENSEE BE CONSIDERED A CREDITOR, DEBT COLLECTOR, OR LENDER WITH
3 RESPECT TO EARNED-WAGE ACCESS SERVICE; OR

4 (III) MONEY TRANSMISSION.

5 (b) A PERSON LICENSED UNDER THIS ARTICLE 22 OR A PROVIDER
6 THAT IS LAWFULLY OPERATING UNDER SECTION 5-22-103 (1)(b) PENDING
7 LICENSURE IS NOT A MONEY TRANSMITTER WHEN PROVIDING
8 EARNED-WAGE ACCESS SERVICES.

9 (c) SERVICE FEES PAID IN ACCORDANCE WITH THIS ARTICLE 22 TO
10 A LICENSEE ARE NOT INTEREST OR FINANCE CHARGES.

11 (5) IF THERE IS A CONFLICT BETWEEN THIS ARTICLE 22 AND
12 ANOTHER PROVISION OF LAW THAT CONCERNS EARNED-WAGE ACCESS
13 SERVICES, THIS ARTICLE 22 PREVAILS.

14 **5-22-109. Provider duties - residency.**

15 (1) A PROVIDER SHALL:

16 (a) DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO
17 RESPOND TO QUESTIONS RAISED BY CONSUMERS AND ADDRESS
18 COMPLAINTS FROM CONSUMERS IN AN EXPEDIENT MANNER;

19 (b) IF THE PROVIDER OFFERS A CONSUMER THE OPTION TO RECEIVE
20 PROCEEDS FOR A SERVICE FEE:

21 (I) OFFER TO THE CONSUMER AT LEAST ONE REASONABLE OPTION
22 TO OBTAIN PROCEEDS AT NO COST TO THE CONSUMER;

23 (II) CLEARLY EXPLAIN HOW TO ELECT THE NO-COST OPTION; AND

24 (III) REQUEST INITIATION OF THE TRANSFER OF APPROVED
25 PROCEEDS TO THE CONSUMER WITHIN ONE BUSINESS DAY AFTER THE
26 CONSUMER'S ELECTION OF THE NO-COST OPTION;

27 (c) BEFORE ENTERING INTO AN AGREEMENT WITH A CONSUMER

1 FOR THE PROVISION OF EARNED-WAGE ACCESS SERVICES:

2 (I) INFORM THE CONSUMER OF THEIR RIGHTS UNDER THE
3 AGREEMENT; AND

4 (II) FULLY AND CLEARLY DISCLOSE ALL SERVICE FEES ASSOCIATED
5 WITH THE EARNED-WAGE ACCESS SERVICES;

6 (d) INFORM THE CONSUMER BEFORE IMPLEMENTING MATERIAL
7 CHANGES TO THE TERMS AND CONDITIONS OF THE EARNED-WAGE ACCESS
8 SERVICES AGREEMENT;

9 (e) ALLOW THE CONSUMER TO CANCEL USE OF THE PROVIDER'S
10 EARNED-WAGE ACCESS SERVICES AT ANY TIME WITHOUT INCURRING A
11 CANCELLATION FEE IMPOSED BY THE PROVIDER;

12 (f) COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL
13 PRIVACY AND INFORMATION SECURITY LAWS;

14 (g) PROVIDE PROCEEDS TO A CONSUMER BY THE MEANS MUTUALLY
15 AGREED UPON BY THE CONSUMER AND THE PROVIDER;

16 (h) TO BE REPAID, INCLUDING BY MEANS OF ELECTRONIC FUNDS
17 TRANSFER, FOR OUTSTANDING PROCEEDS OR PAYMENT OF SERVICE FEES OR
18 OTHER AMOUNTS OWED IN CONNECTION WITH EARNED-WAGE ACCESS
19 SERVICES FROM A CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION:

20 (I) COMPLY WITH THE FEDERAL "ELECTRONIC FUND TRANSFER
21 ACT", 15 U.S.C. SEC. 1693 ET SEQ., AND REGULATIONS ADOPTED
22 PURSUANT TO THE ACT; AND

23 (II) REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY
24 OVERDRAFT OR INSUFFICIENT FUNDS FEES IMPOSED ON A CONSUMER BY
25 THE CONSUMER'S DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE
26 PROVIDER ATTEMPTING TO SEEK PAYMENT OF OUTSTANDING PROCEEDS,
27 SERVICE FEES, OR OTHER PAYMENTS IN CONNECTION WITH EARNED-WAGE

1 ACCESS SERVICES ON A DATE BEFORE THE DATE DISCLOSED TO THE
2 CONSUMER OR IN AN AMOUNT DIFFERENT FROM THE AMOUNT DISCLOSED
3 TO THE CONSUMER; AND

4 (i) IF A PROVIDER SEEKS PAYMENT, INCLUDING VIA ELECTRONIC
5 FUNDS TRANSFER, OF OUTSTANDING PROCEEDS OR SERVICE FEES FROM A
6 CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION, COMPLY WITH 12
7 CFR 1005.10 (c)(1), AS IT EXISTED ON JANUARY 1, 2026, WITHOUT THE
8 CONSUMER INCURRING AN ADDITIONAL CHARGE.

9 (2) A PROVIDER MAY USE THE MAILING ADDRESS OR STATE OF
10 RESIDENCE PROVIDED TO THE PROVIDER BY A CONSUMER OR A
11 CONSUMER'S EMPLOYER TO DETERMINE THE CONSUMER'S STATE OF
12 RESIDENCE FOR PURPOSES OF THIS ARTICLE 22.

13 **5-22-110. Prohibited acts.**

14 (1) A PROVIDER SHALL NOT:

15 (a) SHARE WITH AN EMPLOYER A PORTION OF A SERVICE FEE THAT
16 WAS RECEIVED FROM OR CHARGED TO A CONSUMER FOR EARNED-WAGE
17 ACCESS SERVICES;

18 (b) REQUIRE A CONSUMER'S CREDIT REPORT OR CREDIT SCORE
19 PROVIDED BY A CONSUMER REPORTING AGENCY TO DETERMINE THE
20 CONSUMER'S ELIGIBILITY FOR EARNED-WAGE ACCESS SERVICES;

21 (c) ACCEPT PAYMENT OF OUTSTANDING PROCEEDS OR SERVICE
22 FEES FROM A CONSUMER BY MEANS OF A CREDIT CARD OR CHARGE CARD;

23 (d) CHARGE A CONSUMER A LATE FEE, A DEFERRAL FEE, INTEREST,
24 OR ANY OTHER PENALTY OR CHARGE FOR FAILURE TO PAY OUTSTANDING
25 PROCEEDS OR SERVICE FEES;

26 (e) REPORT TO A COLLECTION AGENCY OR TO A DEBT COLLECTOR
27 INFORMATION ABOUT THE CONSUMER REGARDING THE INABILITY OF THE

1 PROVIDER TO BE REPAID OUTSTANDING PROCEEDS OR SERVICE FEES;

2 (f) IMPOSE THE TYPE OF SERVICE FEE DESCRIBED IN SECTION

3 5-22-102 (13)(a) IN EXCESS OF THE FOLLOWING:

4 [REDACTED]

5 (I) FIVE DOLLARS FOR AN ADVANCE OF PROCEEDS EQUAL TO OR

6 LESS THAN SEVENTY-FIVE DOLLARS; OR

7 (II) SEVEN DOLLARS AND FIFTY CENTS FOR AN ADVANCE OF

8 PROCEEDS GREATER THAN SEVENTY-FIVE DOLLARS; [REDACTED]

9 [REDACTED] [REDACTED]

10 (g) ENTER INTO AN AGREEMENT WITH AN EMPLOYER THAT WOULD

11 REQUIRE A CONSUMER WHO IS AN EMPLOYEE OF THE EMPLOYER TO USE

12 EARNED-WAGE ACCESS SERVICES AS A NECESSARY CONDITION OF

13 RECEIVING PAYMENT OF WAGES;

14 (h) (I) COMPEL OR ATTEMPT TO COMPEL A CONSUMER TO PAY

15 OUTSTANDING PROCEEDS OR SERVICE FEES TO THE PROVIDER THROUGH:

16 (A) A LAWSUIT AGAINST THE CONSUMER;

17 (B) THE USE OF A THIRD PARTY TO PURSUE COLLECTION FROM THE

18 CONSUMER ON THE PROVIDER'S BEHALF; OR

19 (C) THE SALE OF OUTSTANDING PROCEEDS OR SERVICE FEES TO A

20 THIRD-PARTY COLLECTOR OR DEBT BUYER FOR COLLECTION FROM THE

21 CONSUMER.

22 (II) THE LIMITATIONS IN THIS SUBSECTION (1)(h) DO NOT

23 PRECLUDE A PROVIDER FROM USING THE METHODS IN SUBSECTION (1)(h)(I)

24 OF THIS SECTION TO:

25 (A) COMPEL PAYMENT OF OUTSTANDING PROCEEDS PAID TO OR

26 SERVICE FEES INCURRED BY A CONSUMER THROUGH FRAUDULENT OR

27 OTHER UNLAWFUL MEANS; OR

1 (B) PURSUE AN EMPLOYER FOR BREACH OF ITS CONTRACTUAL
2 OBLIGATIONS TO THE PROVIDER; OR

3 (i) SOLICIT OR RECEIVE A TIP, GRATUITY, OR DONATION.

4 **5-22-111. Powers and duties of administrator - fees.**

5 (1) IN ADDITION TO OTHER POWERS GRANTED BY THIS ARTICLE 22,
6 THE ADMINISTRATOR MAY:

7 (a) RECEIVE AND ACT ON COMPLAINTS, TAKE ACTION DESIGNED TO
8 OBTAIN VOLUNTARY COMPLIANCE WITH THIS ARTICLE 22, OR COMMENCE
9 PROCEEDINGS ON THE ADMINISTRATOR'S INITIATIVE;

10 (b) COUNSEL PERSONS AND GROUPS ON THEIR RIGHTS AND DUTIES
11 DESCRIBED IN THIS ARTICLE 22;

12 (c) ESTABLISH PROGRAMS FOR THE EDUCATION OF CONSUMERS
13 WITH RESPECT TO EARNED-WAGE ACCESS SERVICES;

14 (d) MAKE STUDIES APPROPRIATE TO EFFECTUATE THE PURPOSES
15 AND POLICIES OF THIS ARTICLE 22 AND MAKE THE RESULTS OF A STUDY
16 AVAILABLE TO THE PUBLIC IF THE STUDY HAS BEEN AGGREGATED FOR ALL
17 LICENSEES AND DOES NOT CONTAIN INFORMATION TO IDENTIFY LICENSEES
18 OR CONSUMERS;

19 (e) EMPLOY ADMINISTRATIVE LAW JUDGES FROM THE OFFICE OF
20 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL TO
21 CONDUCT HEARINGS ON A MATTER RELATED TO THIS ARTICLE 22; AND

22 (f) EXCHANGE INFORMATION WITH ANOTHER GOVERNMENTAL
23 AGENCY OR OFFICIAL THAT HAS REGULATORY AUTHORITY COMPARABLE
24 TO THAT OF THE ADMINISTRATOR, SUBJECT TO AN APPROPRIATE
25 CONFIDENTIALITY AGREEMENT BETWEEN THE ADMINISTRATOR AND THE
26 OTHER AGENCY OR OFFICIAL OR AS OTHERWISE PERMITTED BY LAW. THIS
27 SUBSECTION (1)(f) DOES NOT ALLOW THE EXCHANGE OF INFORMATION

1 WITH PROVIDERS.

2 (2) A PERSON IS NOT LIABLE PURSUANT TO THIS ARTICLE 22 FOR AN
3 ACT COMMITTED OR OMITTED IN GOOD FAITH IN CONFORMITY WITH A
4 RULE, ADMINISTRATOR'S INTERPRETATION, OR ADMINISTRATOR'S WRITTEN
5 RESPONSE TO A PERSON PURSUANT TO A WRITTEN REQUEST ON BEHALF OF
6 THE IDENTIFIED PERSON.

7 (3) THE ADMINISTRATOR SHALL SET THE LICENSE APPLICATION
8 FEE, RENEWAL FEE, AND PROVIDER NAME-CHANGE FEE IN AN AMOUNT
9 CALCULATED TO OFFSET THE DIRECT AND INDIRECT COSTS OF
10 ADMINISTERING THIS ARTICLE 22.

11 **5-22-112. Administrative enforcement - cease and desist -**
12 **penalty - rules.**

13 (1) THE ADMINISTRATOR SHALL ENFORCE THIS ARTICLE 22.

14 (2) THE ADMINISTRATOR MAY ADOPT RULES FOR THE
15 ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE 22.

16 (3) AFTER NOTICE AND A HEARING, THE ADMINISTRATOR MAY
17 ORDER A PROVIDER OR A PERSON ACTING ON THE PROVIDER'S BEHALF TO
18 CEASE AND DESIST FROM ENGAGING IN VIOLATIONS OF THIS ARTICLE 22 OR
19 ANY RULE OR ORDER LAWFULLY MADE PURSUANT TO THIS ARTICLE 22.
20 THE ORDER ISSUED BY THE ADMINISTRATOR MAY ALSO REQUIRE THE
21 PROVIDER OR PERSON TO PAY A PENALTY IN AN AMOUNT OF UP TO ONE
22 THOUSAND DOLLARS FOR EACH VIOLATION OF THE CEASE-AND-DESIST
23 ORDER.

24 (4) A RESPONDENT AGGRIEVED BY AN ACTION OR ORDER OF THE
25 ADMINISTRATOR MAY OBTAIN JUDICIAL REVIEW OF THE ACTION OR ORDER
26 IN THE COLORADO COURT OF APPEALS. THE ADMINISTRATOR MAY OBTAIN
27 AN ORDER OF THE COURT FOR ENFORCEMENT OF THE ADMINISTRATOR'S

1 ORDER IN THE DISTRICT COURT UNDER SECTION 24-4-106. ALL
2 PROCEEDINGS AUTHORIZED UNDER THIS SECTION ARE GOVERNED BY
3 SECTIONS 24-4-105 AND 24-4-106.

4 (5) (a) WITH RESPECT TO AN ACTION BROUGHT TO ENJOIN
5 VIOLATIONS OF THIS ARTICLE 22, THE ADMINISTRATOR MAY APPLY TO THE
6 COURT OF APPROPRIATE JURISDICTION FOR A TEMPORARY RESTRAINING
7 ORDER OR A PRELIMINARY INJUNCTION AGAINST A RESPONDENT PENDING
8 FINAL DETERMINATION OF PROCEEDINGS. IF THE COURT FINDS AFTER A
9 HEARING THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE
10 RESPONDENT IS ENGAGING IN OR IS LIKELY TO ENGAGE IN CONDUCT
11 SOUGHT TO BE RESTRAINED, THE COURT MAY GRANT A TEMPORARY
12 RESTRAINING ORDER OR PRELIMINARY INJUNCTION. THE COURT MAY ALSO
13 ISSUE AN ORDER OR JUDGMENT AS MAY BE NECESSARY TO RESTORE A
14 CONSUMER WHO HAS BEEN AFFECTED BY A VIOLATION, AN AGREEMENT,
15 OR CONDUCT TO THE CONSUMER'S ORIGINAL POSITION OR TO COMPENSATE
16 A CONSUMER IF THERE IS REASONABLE CAUSE TO BELIEVE THAT
17 SUFFICIENT FUNDING TO MAKE REFUNDS TO THE CONSUMER WILL NOT BE
18 AVAILABLE AT A FUTURE DATE.

19 (b) A BOND OR OTHER SECURITY IS NOT REQUIRED OF THE
20 ADMINISTRATOR BEFORE RELIEF UNDER THIS SUBSECTION (5) MAY BE
21 GRANTED.

22 **5-22-113. Civil actions by administrator - penalty.**

23 (1) THE ADMINISTRATOR MAY BRING A CIVIL ACTION AGAINST A
24 PROVIDER OR A PERSON ACTING ON THE PROVIDER'S BEHALF TO RECOVER
25 A CIVIL PENALTY FOR WILLFULLY VIOLATING THIS ARTICLE 22 OR FOR
26 REPEATEDLY AND WILLFULLY VIOLATING THIS ARTICLE 22. IF THE COURT
27 FINDS THAT THE DEFENDANT HAS WILLFULLY VIOLATED THIS ARTICLE 22,

1 THE COURT MAY ASSESS A CIVIL PENALTY OF NO MORE THAN FIVE
2 THOUSAND DOLLARS PER VIOLATION. IF THE COURT FINDS THAT THE
3 DEFENDANT HAS ENGAGED IN A COURSE OF REPEATED AND WILLFUL
4 VIOLATIONS OF THIS ARTICLE 22, THE COURT MAY ASSESS A CIVIL PENALTY
5 OF NO MORE THAN TEN THOUSAND DOLLARS PER VIOLATION. A COURT
6 SHALL NOT IMPOSE A CIVIL PENALTY PURSUANT TO THIS SUBSECTION (1)
7 FOR VIOLATIONS OF THIS ARTICLE 22 THAT OCCUR MORE THAN FOUR
8 YEARS BEFORE THE ACTION IS BROUGHT.

9 (2) IF THE ADMINISTRATOR PREVAILS IN AN ACTION BROUGHT
10 UNDER THIS SECTION:

11 (a) THE ADMINISTRATOR MAY SEEK TO RECOVER REASONABLE
12 COSTS OF THE INVESTIGATION AND ACTION AND MAY REQUEST AN ORDER
13 FOR REIMBURSEMENT OF REASONABLE ATTORNEY FEES; AND

14 (b) THE COURT MAY AWARD THE ADMINISTRATOR REASONABLE
15 COSTS OF INVESTIGATION AND ORDER REIMBURSEMENT OF REASONABLE
16 ATTORNEY FEES.

17 (3) IN AN ACTION BROUGHT BY THE ADMINISTRATOR UNDER THIS
18 ARTICLE 22, THE ADMINISTRATOR DOES NOT HAVE A RIGHT TO TRIAL BY
19 JURY, BUT A DEFENDANT MAY REQUEST, AND A COURT SHALL GRANT UPON
20 REQUEST, A JURY TRIAL UNDER THE COLORADO RULES OF CIVIL
21 PROCEDURE.

22 **5-22-114. Assurance of discontinuance.**

23 IF A PERSON FILES A COMPLAINT WITH THE ADMINISTRATOR AS
24 DESCRIBED IN SECTION 5-22-111 (1)(a) OR WITH A COURT AS DESCRIBED
25 IN SECTION 5-22-112 THAT A PROVIDER HAS ENGAGED IN CONDUCT THAT
26 FAILS TO COMPLY WITH AN ORDER BY THE ADMINISTRATOR OR BY THE
27 COURT, THE ADMINISTRATOR OR THE COURT MAY ACCEPT AN ASSURANCE

1 IN WRITING THAT THE PROVIDER WILL NOT ENGAGE IN THE CONDUCT IN
2 THE FUTURE. THE ADMINISTRATOR MAY REQUIRE THE PROVIDER AS PART
3 OF THE ASSURANCE TO PAY UP TO ONE THOUSAND DOLLARS FOR EACH
4 VIOLATION AND REIMBURSE THE ADMINISTRATOR FOR THE
5 ADMINISTRATOR'S REASONABLE COSTS INCURRED IN INVESTIGATING THE
6 CONDUCT.

7 **5-22-115. Earned-wage access fund - creation - gifts, grants,**
8 **and donations - notice to revisor of statutes - article to become**
9 **effective upon being funded.**

10 (1) (a) THE EARNED-WAGE ACCESS FUND IS CREATED IN THE STATE
11 TREASURY. THE FUND CONSISTS OF FEES COLLECTED BY THE
12 ADMINISTRATOR PURSUANT TO THIS ARTICLE 22, GIFTS, GRANTS, AND
13 DONATIONS CREDITED TO THE FUND PURSUANT TO THIS SECTION, AND ANY
14 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
15 TRANSFER TO THE FUND.

16 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
17 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
18 FUND TO THE FUND.

19 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
20 ASSEMBLY, THE ADMINISTRATOR MAY EXPEND MONEY FROM THE FUND TO
21 IMPLEMENT THIS ARTICLE 22.

22 (2) THE ADMINISTRATOR MAY SEEK, ACCEPT, AND EXPEND GIFTS,
23 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
24 PURPOSES OF IMPLEMENTING THIS ARTICLE 22. THE STATE TREASURER,
25 SHALL CREDIT THE MONEY TO THE FUND.

26 (3) (a) THIS ARTICLE 22 WILL TAKE EFFECT IF THE FUND RECEIVES
27 ENOUGH MONEY TO IMPLEMENT THIS ARTICLE 22 FOR THREE YEARS. THE

1 ADMINISTRATOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF
2 THE DATE WHEN THE CONDITION SPECIFIED IN THIS SUBSECTION (3) HAS
3 OCCURRED BY EMAILING THE NOTICE TO
4 REVISOROFSTATUTES.GA@COLEG.GOV. THIS ARTICLE 22 TAKES EFFECT
5 TWENTY-EIGHT DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE THAT
6 THE FUND RECEIVED ENOUGH MONEY TO IMPLEMENT THIS ARTICLE 22 FOR
7 THREE YEARS OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE
8 DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

9 (b) WITHIN TWENTY-EIGHT DAYS AFTER SENDING THE NOTICE
10 DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION TO THE REVISOR OF
11 STATUTES, THE ADMINISTRATOR SHALL NOTIFY PROVIDERS THAT THIS
12 ARTICLE 22 WILL BECOME EFFECTIVE. THE NOTICE MUST INCLUDE THE
13 DATE THE PROVIDERS ARE REQUIRED TO BE LICENSED IN ACCORDANCE
14 WITH SECTION 5-22-103.

15 **5-22-116. Repeal of article.**

16 THIS ARTICLE 22 IS REPEALED, EFFECTIVE THREE YEARS AFTER THE
17 EFFECTIVE DATE OF THIS ARTICLE 22.

18 **SECTION 2.** In Colorado Revised Statutes, 13-4-102, **add**
19 (2)(oo) as follows:

20 **13-4-102. Jurisdiction.**

21 (2) The court of appeals has initial jurisdiction to:

22 (oo) REVIEW FINAL DECISIONS OR ORDERS OF THE ADMINISTRATOR
23 AS PROVIDED IN ARTICLE 22 OF TITLE 5.

24 **SECTION 3.** In Colorado Revised Statutes, 24-4-104, **amend**
25 (3)(b) as follows:

26 **24-4-104. Licenses - issuance, suspension or revocation,**
27 **renewal.**

1 (3) (b) The full investigation requirement specified in subsection
2 (3)(a) of this section shall not apply to licenses issued under ARTICLE 22
3 OF TITLE 5; articles 1.1, 9, 10.1, and 11.5 of title 40; or article 2 of title 42.

4 **SECTION 4.** In Colorado Revised Statutes, 24-75-402, add
5 (5)(ooo) as follows:

6 **24-75-402. Cash funds - limit on uncommitted reserves -**
7 **reduction in the amount of fees - exclusions - definitions.**

8 (5) Notwithstanding any provision of this section to the contrary,
9 the following cash funds are excluded from the limitations specified in
10 this section:

11 (ooo) THE EARNED-WAGE ACCESS FUND CREATED IN SECTION
12 5-22-115.

13 **SECTION 5. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 12, 2026, if adjournment sine die is on May 13,
17 2026); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2026 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

23 (2) This act applies to conduct occurring on or after the applicable
24 effective date of this act.