

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0434.01 Kristen Forrestal x4217

HOUSE BILL 25-1020

HOUSE SPONSORSHIP

Camacho and Duran,

SENATE SPONSORSHIP

Frizell,

House Committees
Business Affairs & Labor

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 prohibits an entity from providing earned-wage access services without a license on and after January 1, 2026. Earned-wage access services are services that:

- Deliver consumer access to earned but unpaid income; and
- Provide consumer access to earned but unpaid income that is based on employment, income, or attendance data obtained directly or indirectly from an employer or an employer's payroll service provider.

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.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 22 to title
3 5 as follows:

4 **ARTICLE 22**

5 **Earned-Wage Access Services**

6 **5-22-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 22 IS THE
7 "EARNED-WAGE ACCESS SERVICES ACT".

8 **5-22-102. Definitions.** AS USED IN THIS ARTICLE 22, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

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

14 (2) "CONSUMER" MEANS AN INDIVIDUAL WHO RESIDES IN THE
15 STATE AS EVIDENCED BY THE MAILING ADDRESS OR ADDRESS OF
16 RESIDENCE PROVIDED BY THE INDIVIDUAL OR THEIR EMPLOYER.

17 (3) "CONSUMER-DIRECTED WAGE ACCESS SERVICES" MEANS
18 SERVICES THAT DELIVER CONSUMER ACCESS TO EARNED BUT UNPAID
19 INCOME THAT IS BASED ON THE CONSUMER'S REPRESENTATIONS AND THE
20 PROVIDER'S REASONABLE DETERMINATION OF THE CONSUMER'S EARNED
21 BUT UNPAID INCOME.

22 (4) "EARNED BUT UNPAID INCOME" MEANS SALARY, WAGES,
23 COMPENSATION, OR OTHER INCOME THAT A CONSUMER OR AN EMPLOYER
24 HAS REPRESENTED, AND THAT A PROVIDER HAS REASONABLY
25 DETERMINED, HAS BEEN EARNED OR ACCRUED TO THE BENEFIT OF THE
26 CONSUMER BY THE CONSUMER'S PROVISION OF SERVICES TO THE

1 EMPLOYER OR ON BEHALF OF THE EMPLOYER, ON AN HOURLY,
2 PROJECT-BASED, PIECEWORK, OR OTHER BASIS, OR AS AN INDEPENDENT
3 CONTRACTOR, BUT HAS NOT BEEN PAID TO THE CONSUMER BY THE
4 EMPLOYER.

5 (5) "EARNED-WAGE ACCESS SERVICES" MEANS
6 CONSUMER-DIRECTED WAGE ACCESS SERVICES, EMPLOYER-INTEGRATED
7 WAGE ACCESS SERVICES, OR BOTH.

8 (6) (a) "EMPLOYER" MEANS:

9 (I) A PERSON THAT EMPLOYS A CONSUMER; AND

10 (II) ANY OTHER PERSON THAT IS CONTRACTUALLY OBLIGATED TO
11 PAY A CONSUMER EARNED BUT UNPAID INCOME.

12 (b) "EMPLOYER" DOES NOT INCLUDE:

13 (I) A CUSTOMER OF THE EMPLOYER; OR

14 (II) ANY OTHER PERSON WHOSE OBLIGATION TO MAKE A PAYMENT
15 OF SALARY, WAGES, COMPENSATION, OR OTHER INCOME TO A CONSUMER
16 IS NOT BASED ON THE PROVISION OF SERVICES BY THAT CONSUMER FOR OR
17 ON BEHALF OF THE PERSON.

18 (7) "EMPLOYER-INTEGRATED WAGE ACCESS SERVICES" MEANS
19 SERVICES THAT PROVIDE CONSUMER ACCESS TO EARNED BUT UNPAID
20 INCOME THAT IS BASED ON EMPLOYMENT, INCOME, OR ATTENDANCE DATA
21 OBTAINED DIRECTLY OR INDIRECTLY FROM AN EMPLOYER OR AN
22 EMPLOYER'S PAYROLL SERVICE PROVIDER.

23 (8) "FEE" MEANS:

24 (a) A FEE IMPOSED BY A PROVIDER FOR DELIVERY OR EXPEDITED
25 DELIVERY OF PROCEEDS TO A CONSUMER; AND

26 (b) A SUBSCRIPTION OR MEMBERSHIP FEE IMPOSED BY A PROVIDER
27 FOR A BONA FIDE GROUP OF SERVICES THAT INCLUDE EARNED-WAGE

1 ACCESS SERVICES.

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

5 (10) "OUTSTANDING PROCEEDS" MEANS PROCEEDS REMITTED TO
6 A CONSUMER BY A PROVIDER THAT HAVE NOT YET BEEN REPAID TO THE
7 PROVIDER.

8 (11) "PERSON" MEANS A NATURAL PERSON, FIRM, CORPORATION,
9 LIMITED LIABILITY COMPANY, OR PARTNERSHIP.

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

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

14 (b) "PROVIDER" DOES NOT INCLUDE:

15 (I) A SERVICE PROVIDER, INCLUDING A PAYROLL SERVICE
16 PROVIDER, WHOSE ROLE MAY INCLUDE VERIFYING AVAILABLE EARNINGS
17 BUT THAT IS NOT CONTRACTUALLY OBLIGATED TO FUND ANY PROCEEDS
18 DELIVERED AS PART OF AN EARNED-WAGE ACCESS SERVICE; OR

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

22 **5-22-103. Earned-wage access services - license - application**
23 **- renewal - fees - rules.** (1) BEGINNING JANUARY 1, 2026, A PERSON
24 SHALL NOT PROVIDE EARNED-WAGE ACCESS SERVICES OR ACT AS A
25 PROVIDER WITHOUT A LICENSE ISSUED BY THE ADMINISTRATOR PURSUANT
26 TO THIS ARTICLE 22.

27 (2) (a) EACH APPLICANT TO BE A LICENSEE SHALL SUBMIT AN

1 APPLICATION TO THE ADMINISTRATOR IN A FORM AND MANNER
2 PRESCRIBED BY THE ADMINISTRATOR.

3 (b) THE APPLICATION MUST INCLUDE:

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

6 (II) A LICENSE APPLICATION FEE AS DETERMINED NECESSARY BY
7 THE ADMINISTRATOR, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND
8 DOLLARS; AND

9 (III) ANY OTHER INFORMATION AS DETERMINED BY THE
10 ADMINISTRATOR.

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

13 (3) (a) THE ADMINISTRATOR SHALL NOT ISSUE A LICENSE TO A
14 PROVIDER UNLESS:

15 (I) THE ADMINISTRATOR, UPON INVESTIGATION, FINDS THAT THE
16 FINANCIAL RESPONSIBILITY, CHARACTER, AND FITNESS OF THE APPLICANT
17 AND OF THE APPLICANT'S MEMBERS, MANAGERS, PARTNERS, OFFICERS,
18 AND DIRECTORS ARE SUFFICIENT SO THAT THE ADMINISTRATOR BELIEVES
19 THAT THE APPLICANT WILL OPERATE THE BUSINESS HONESTLY AND FAIRLY
20 WITHIN THE PURPOSES OF THIS ARTICLE 22; AND

21 (II) THE LICENSE APPLICATION FEE IS PAID.

22 (b) THE ADMINISTRATOR MAY DENY AN APPLICATION FOR A
23 LICENSE BASED ON ANY OF THE GROUNDS LISTED IN SECTION 5-22-104.

24 (4) (a) IF THE ADMINISTRATOR DENIES AN APPLICATION, UPON
25 WRITTEN REQUEST OF THE APPLICANT, THE ADMINISTRATOR SHALL ALLOW
26 FOR A HEARING ON THE QUESTION OF THE APPLICANT'S QUALIFICATIONS
27 FOR A LICENSE.

1 (b) IN ORDER FOR A HEARING TO TAKE PLACE PURSUANT TO
2 SUBSECTION (4)(a) OF THIS SECTION, AN APPLICANT MUST REQUEST THE
3 HEARING NOT MORE THAN SIXTY DAYS AFTER THE ADMINISTRATOR HAS
4 MAILED A WRITTEN NOTIFICATION TO THE APPLICANT STATING THAT THE
5 APPLICATION HAS BEEN DENIED AND STATING THE SUBSTANTIVE REASONS
6 FOR THE ADMINISTRATOR'S FINDINGS SUPPORTING THE DENIAL OF THE
7 APPLICATION.

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

12 (6) A LICENSE IS VALID FOR ONE YEAR. TO RENEW A LICENSE, A
13 LICENSEE SHALL FILE A RENEWAL FORM ANNUALLY IN A FORM AND
14 MANNER PRESCRIBED BY THE ADMINISTRATOR AND INCLUDE A RENEWAL
15 FEE ESTABLISHED BY THE ADMINISTRATOR, NOT TO EXCEED TWO HUNDRED
16 DOLLARS PER YEAR. THE FEE AND RENEWAL FORM IS DUE TO THE
17 ADMINISTRATOR BY APRIL 15 OF EACH YEAR. IF A LICENSEE FAILS TO PAY
18 THE PRESCRIBED RENEWAL FEE ON OR BEFORE MAY 1 OF EACH YEAR, THE
19 LICENSEE SHALL PAY A PENALTY OF FIVE DOLLARS PER DAY PER LICENSE
20 BEGINNING MAY 2 AND UNTIL THE DATE THE PAYMENT IS POSTMARKED.
21 IF A LICENSEE FAILS TO PAY THE APPROPRIATE RENEWAL AND PENALTY
22 FEES BY MAY 15, THE LICENSEE'S LICENSE AUTOMATICALLY EXPIRES.

23 **5-22-104. License - denial - grounds for discipline.** (1) THE
24 ADMINISTRATOR MAY DENY AN APPLICATION FOR A LICENSE OR TAKE
25 DISCIPLINARY ACTION AGAINST A LICENSEE UNDER THIS ARTICLE 22 IF THE
26 ADMINISTRATOR FINDS THAT:

27 (a) THE APPLICANT OR LICENSEE VIOLATED THIS ARTICLE 22 OR A

1 RULE ADOPTED BY THE ADMINISTRATOR PURSUANT TO THIS ARTICLE 22;

2 (b) FACTS OR CONDITIONS EXIST THAT WOULD HAVE CLEARLY
3 JUSTIFIED THE ADMINISTRATOR'S REFUSAL TO GRANT A LICENSE TO THE
4 LICENSEE HAD THESE FACTS OR CONDITIONS BEEN KNOWN TO EXIST AT THE
5 TIME THE APPLICATION FOR THE LICENSE WAS MADE;

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

7 (d) THE APPLICANT OR LICENSEE FAILED TO PROVIDE INFORMATION
8 REQUIRED BY THE ADMINISTRATOR WITHIN A REASONABLE TIME AS FIXED
9 BY THE ADMINISTRATOR;

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

12 (f) THE APPLICANT OR LICENSEE IS INSOLVENT;

13 (g) THE APPLICANT OR LICENSEE MADE A FALSE REPRESENTATION
14 OF A MATERIAL FACT OR OMITTED A MATERIAL FACT IN A DOCUMENT OR
15 STATEMENT FILED WITH THE ADMINISTRATOR;

16 (h) THE APPLICANT, LICENSEE, OR ITS OWNERS, PARTNERS,
17 MEMBERS, OFFICERS, OR DIRECTORS HAVE BEEN CONVICTED OF OR
18 ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO:

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

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

22 (III) A CRIME THAT IS SIMILAR TO ONE OF THE CRIMES LISTED IN
23 SUBSECTION (1)(h)(I) OR (1)(h)(II) OF THIS SECTION UNDER THE
24 JURISDICTION OF A FEDERAL COURT OR A COURT OF ANOTHER STATE;

25 (i) THE APPLICANT OR LICENSEE FAILED TO MAKE, MAINTAIN, OR
26 PRODUCE RECORDS THAT COMPLY WITH SECTION 5-22-105 OR ANY RULE
27 ADOPTED BY THE ADMINISTRATOR TO IMPLEMENT SECTION 5-22-105;

1 (j) THE APPLICANT OR LICENSEE HAS BEEN THE SUBJECT OF A
2 DISCIPLINARY ACTION BY ANY STATE OR FEDERAL AGENCY;

3 (k) A FINAL JUDGMENT HAS BEEN ENTERED AGAINST THE
4 APPLICANT OR LICENSEE FOR VIOLATIONS OF THIS ARTICLE 22 OR ANY
5 STATE OR FEDERAL LAW PROHIBITING DECEPTIVE OR UNFAIR TRADE OR
6 BUSINESS PRACTICES; OR

7 (1) AFTER THE ADMINISTRATOR COMMENCED AN EXAMINATION OR
8 INVESTIGATION OF THE APPLICANT OR LICENSEE, THE APPLICANT OR
9 LICENSEE FAILED TO, IN A TIMELY MANNER AS FIXED BY THE
10 ADMINISTRATOR, TAKE OR PROVIDE PROOF OF A CORRECTIVE ACTION
11 REQUIRED BY THE ADMINISTRATOR PURSUANT TO SECTION 5-22-106 (5).

12 (2) IN A CASE WHERE THE ADMINISTRATOR DETERMINES WHETHER
13 THE SUSPENSION OF A LICENSEE'S LICENSE IS WARRANTED, THE
14 ADMINISTRATOR SHALL MAKE THE DETERMINATION PURSUANT TO THE
15 CRITERIA AND PROCEDURES OUTLINED IN SECTION 24-4-104.

16 (3) WHEN THE ADMINISTRATOR DENIES A LICENSE APPLICATION OR
17 TAKES DISCIPLINARY ACTION PURSUANT TO THIS SECTION, THE
18 ADMINISTRATOR SHALL NOTIFY THE APPLICANT OR LICENSEE OF THE
19 DENIAL OR DISCIPLINARY ACTION AND SHALL MAKE A RECORD OF THE
20 NOTIFICATION. THE ADMINISTRATOR SHALL NOTIFY THE APPLICANT OR
21 LICENSEE BY PERSONAL SERVICE OR BY MAIL TO THE LAST-KNOWN
22 ADDRESS OF THE APPLICANT OR LICENSEE AS SHOWN ON THE APPLICATION
23 OR LICENSE OR AS SUBSEQUENTLY FURNISHED IN WRITING TO THE
24 ADMINISTRATOR.

25 (4) A LICENSEE MAY RELINQUISH THE LICENSE BY NOTIFYING THE
26 ADMINISTRATOR IN WRITING OF THE RELINQUISHMENT. A REVOCATION,
27 SUSPENSION, EXPIRATION, OR RELINQUISHMENT OF A LICENSE DOES NOT

1 AFFECT THE LICENSEE'S LIABILITY FOR ACTS PREVIOUSLY COMMITTED NOR
2 IMPAIR THE ADMINISTRATOR'S ABILITY TO ISSUE A FINAL AGENCY ORDER
3 OR IMPOSE DISCIPLINE AGAINST THE LICENSEE.

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

7 (6) THE ADMINISTRATOR MAY REINSTATE A LICENSE, TERMINATE
8 A SUSPENSION, OR GRANT A NEW LICENSE TO A PERSON WHOSE LICENSE
9 HAS BEEN REVOKED OR SUSPENDED IF NO FACT OR CONDITION THEN EXISTS
10 THAT CLEARLY JUSTIFIES A REFUSAL TO REINSTATE THE LICENSE,
11 TERMINATE THE SUSPENSION, OR GRANT THE NEW LICENSE.

12 (7) IF THE ADMINISTRATOR FINDS THAT ONE OR MORE OF THE
13 CONDITIONS STATED IN SUBSECTION (1) OF THIS SECTION EXIST, THE
14 ADMINISTRATOR MAY DO ONE OR MORE OF THE FOLLOWING:

- 15 (a) DENY THE APPLICATION FOR LICENSURE;
- 16 (b) REVOKE THE LICENSE;
- 17 (c) SUSPEND THE LICENSE FOR A PERIOD OF TIME;
- 18 (d) ISSUE AN ORDER TO THE LICENSEE TO CEASE AND DESIST FROM
19 SPECIFIC ACTS;
- 20 (e) IMPOSE A PENALTY OF UP TO A MAXIMUM OF ONE THOUSAND
21 DOLLARS FOR EACH VIOLATION;
- 22 (f) BAR THE PERSON FROM APPLYING FOR OR HOLDING A LICENSE
23 FOR A PERIOD OF FIVE YEARS FOLLOWING REVOCATION OF THEIR LICENSE;
- 24 (g) ISSUE A LETTER OF ADMONITION; OR
- 25 (h) IMPOSE A PENALTY OF TWO HUNDRED DOLLARS PER DAY FOR
26 FAILURE TO MAKE, PRODUCE, OR RETAIN RECORDS REQUIRED TO BE
27 MAINTAINED UNDER THIS ARTICLE 22 WITHIN FORTY-EIGHT HOURS AFTER

1 AN ADMINISTRATOR'S WRITTEN REQUEST. IF THE ADMINISTRATOR HAS
2 PROVIDED ADVANCE WRITTEN NOTICE OF FORTY-EIGHT HOURS OR MORE
3 TO A LICENSEE PRIOR TO CONDUCTING AN EXAMINATION PURSUANT TO
4 SECTION 5-22-106, THE PENALTY MAY BE IMPOSED WITHOUT ALLOWING
5 ADDITIONAL TIME.

6 (8) THE ADMINISTRATOR MAY IMPOSE THE GROUNDS FOR
7 DISCIPLINE IN SUBSECTIONS (7)(g) AND (7)(h) OF THIS SECTION WITHOUT
8 A HEARING, BUT THE LICENSEE MAY, WITHIN THIRTY DAYS AFTER THE
9 DATE THE DISCIPLINE IS IMPOSED, FILE A WRITTEN NOTICE WITH THE
10 ADMINISTRATOR REQUESTING A HEARING. IF THE REQUEST IS TIMELY
11 MADE, ANY LETTER OF ADMONITION ISSUED PURSUANT TO SUBSECTION
12 (7)(g) OF THIS SECTION IS DEEMED VACATED AND THE ADMINISTRATOR
13 SHALL HOLD A HEARING. IF, AFTER THE HEARING, THERE IS A FINDING THAT
14 ONE OR MORE OF THE GROUNDS FOR DISCIPLINE EXIST, ANY OR ALL OF THE
15 FORMS OF DISCIPLINE LISTED IN THIS SECTION MAY BE IMPOSED.

16 **5-22-105. Records - annual reports - rules.** (1) EACH LICENSEE
17 SHALL MAINTAIN RECORDS IN CONFORMITY WITH THIS SECTION, RULES
18 ADOPTED BY THE ADMINISTRATOR PURSUANT TO THIS SECTION, AND
19 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND PRACTICES IN A
20 MANNER THAT WILL ENABLE THE ADMINISTRATOR TO DETERMINE IF THE
21 LICENSEE IS COMPLYING WITH THIS ARTICLE 22. A LICENSEE MAY, BUT IS
22 NOT REQUIRED TO, KEEP THE REQUIRED RECORDS IN THE LICENSEE'S PLACE
23 OF BUSINESS AS LONG AS THE ADMINISTRATOR IS GIVEN FREE ACCESS TO
24 THE RECORDS IN THE LICENSEE'S STORAGE LOCATION. A LICENSEE DOES
25 NOT NEED TO PRESERVE RECORDS PERTAINING TO AN EARNED-WAGE
26 ACCESS SERVICES TRANSACTION MADE AS PART OF THE LICENSEE'S
27 BUSINESS FOR MORE THAN ONE YEAR AFTER MAKING THE FINAL ENTRY

1 RELATED TO THE EARNED-WAGE ACCESS SERVICES TRANSACTION.

2 (2) EACH LICENSEE SHALL FILE AN ANNUAL REPORT WITH THE
3 ADMINISTRATOR, ON OR BEFORE APRIL 15 OF EACH YEAR, THAT INCLUDES
4 ALL RELEVANT INFORMATION THAT THE ADMINISTRATOR REASONABLY
5 REQUIRES CONCERNING THE BUSINESS AND OPERATIONS CONDUCTED BY
6 THE LICENSEE IN THE STATE DURING THE PRECEDING CALENDAR YEAR,
7 INCLUDING INFORMATION REGARDING EARNED-WAGE ACCESS SERVICES
8 ACTIVITIES. THE REPORT MUST INCLUDE, AT MINIMUM:

9 (a) THE GROSS REVENUE ATTRIBUTABLE TO EARNED-WAGE ACCESS
10 SERVICES;

11 (b) THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE LICENSEE
12 PROVIDED PROCEEDS TO CONSUMERS;

13 (c) THE TOTAL NUMBER OF CONSUMERS TO WHOM THE LICENSEE
14 PROVIDED PROCEEDS;

15 (d) THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE LICENSEE
16 PROVIDED TO CONSUMERS; AND

17 (e) THE TOTAL DOLLAR AMOUNT OF FEES THE PROVIDER RECEIVED
18 FROM CONSUMERS.

19 (3) THE ADMINISTRATOR SHALL KEEP THE REPORTS FILED
20 PURSUANT TO THIS SECTION CONFIDENTIAL AND NOT OPEN THEM TO THE
21 PUBLIC FOR INSPECTION PURSUANT TO THE "COLORADO OPEN RECORDS
22 ACT", PART 2 OF ARTICLE 72 OF TITLE 24. THE ADMINISTRATOR MAY
23 ANNUALLY PUBLISH AND MAKE AVAILABLE TO THE PUBLIC AN
24 AGGREGATED AND ANONYMIZED ANALYSIS OF THE INFORMATION
25 SUBMITTED BY ALL LICENSEES AS REQUIRED PURSUANT TO THIS SECTION.

26 (4) A LICENSEE SHALL SUBMIT A REPORT UNDER OATH AND IN THE
27 FORM PRESCRIBED BY THE ADMINISTRATOR.

1 (5) IF A LICENSEE FAILS TO FILE AN ANNUAL REPORT BY APRIL 15,
2 THE ADMINISTRATOR MAY IMPOSE A PENALTY OF FIVE DOLLARS PER DAY
3 BEGINNING APRIL 16 AND EACH DAY THEREAFTER UNTIL THE DATE OF THE
4 POSTMARK ON THE FILED REPORT. IF A LICENSEE FAILS TO FILE THE REPORT
5 AND PAY THE PENALTY IMPOSED BY MAY 1 OF THE SAME YEAR, THE
6 LICENSEE'S LICENSE AUTOMATICALLY EXPIRES.

7 **5-22-106. Examinations - investigations.** (1) UPON REQUEST OF
8 THE ADMINISTRATOR, A PROVIDER SHALL PROVIDE THE ADMINISTRATOR
9 WITH FREE AND REASONABLE ACCESS TO THE PROVIDER'S RECORDS FOR
10 THE ADMINISTRATOR TO EXAMINE FOR THE PURPOSE OF INVESTIGATING
11 POSSIBLE VIOLATIONS OF THIS ARTICLE 22 OR AS A MEANS OF LAWFULLY
12 SECURING INFORMATION RETAINED BY THE PROVIDER.

13 (2) (a) IF A PROVIDER'S RECORDS ARE LOCATED OUTSIDE THE
14 STATE, THE PROVIDER SHALL, AT THE PROVIDER'S OPTION, EITHER MAKE
15 THE RECORDS AVAILABLE TO THE ADMINISTRATOR AT A CONVENIENT
16 LOCATION WITHIN THE STATE OR PAY THE REASONABLE AND NECESSARY
17 EXPENSES FOR THE ADMINISTRATOR OR THE ADMINISTRATOR'S
18 REPRESENTATIVE TO EXAMINE THE RECORDS AT THE LOCATION WHERE THE
19 RECORDS ARE MAINTAINED; EXCEPT THAT THE PROVIDER SHALL MAKE THE
20 RECORDS AVAILABLE FOR EXAMINATION AT THE ADMINISTRATOR'S OFFICE
21 OR AT ANOTHER LOCATION THE ADMINISTRATOR DEEMS APPROPRIATE, AT
22 THE COST OF THE PROVIDER, IF THE ADMINISTRATOR DETERMINES THAT
23 THE EXAMINATION OF THE RECORDS AT THE LOCATION WHERE THE
24 RECORDS ARE MAINTAINED ENDANGERS THE SAFETY OF THE
25 ADMINISTRATOR'S REPRESENTATIVE OR THAT THERE ARE NOT ADEQUATE
26 FACILITIES AT THE LOCATION WHERE THE RECORDS ARE MAINTAINED TO
27 CONDUCT THE EXAMINATION. THE ADMINISTRATOR MAY DESIGNATE

1 REPRESENTATIVES, INCLUDING COMPARABLE OFFICIALS OF THE STATE IN
2 WHICH THE RECORDS ARE LOCATED, TO INSPECT THE RECORDS ON THE
3 ADMINISTRATOR'S BEHALF.

4 (b) THE ADMINISTRATOR MAY REQUIRE A PROVIDER WHOSE
5 RECORDS ARE LOCATED WITHIN THE STATE TO MAKE THE PROVIDER'S
6 RECORDS AVAILABLE FOR EXAMINATION AT THE ADMINISTRATOR'S OFFICE
7 OR AT ANOTHER LOCATION THE ADMINISTRATOR DEEMS APPROPRIATE, AT
8 THE COST OF THE PROVIDER, IF THE ADMINISTRATOR DETERMINES THAT
9 THE EXAMINATION OF THE RECORDS AT THE LOCATION WHERE THE
10 RECORDS ARE MAINTAINED ENDANGERS THE SAFETY OF THE
11 ADMINISTRATOR'S REPRESENTATIVE OR THAT THERE ARE NOT ADEQUATE
12 FACILITIES AT THE LOCATION WHERE THE RECORDS ARE MAINTAINED TO
13 CONDUCT THE EXAMINATION.

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

24 (4) IF A PROVIDER FAILS TO OBEY A SUBPOENA OR TO GIVE
25 TESTIMONY WITHOUT LAWFUL EXCUSE, THE ADMINISTRATOR MAY
26 REQUEST AN ORDER OF COMPLIANCE FROM THE APPROPRIATE DISTRICT
27 COURT.

1 (5) AFTER THE ADMINISTRATOR HAS EXAMINED A LICENSEE'S
2 RECORDS PURSUANT TO THIS SECTION, THE ADMINISTRATOR SHALL
3 PROVIDE A REPORT OF THE EXAMINATION TO THE LICENSEE AND MAY
4 REQUIRE THE LICENSEE TO TAKE CORRECTIVE ACTION. THE LICENSEE
5 SHALL, WITHIN A TIME AND IN A MANNER DETERMINED BY THE
6 ADMINISTRATOR, TAKE THE CORRECTIVE ACTION REQUIRED IN THE REPORT
7 AND PROVIDE PROOF THAT THE CORRECTIVE ACTION WAS TAKEN. THE
8 CORRECTIVE ACTION REQUIRED MAY INCLUDE REFUNDS OF EXCESS
9 CHARGES AND CORRECTIONS OF DISCLOSURES REQUIRED BY THIS ARTICLE
10 22. THE ADMINISTRATOR IS NOT REQUIRED TO ALLOW A LICENSEE TO TAKE
11 CORRECTIVE ACTION PRIOR TO THE ADMINISTRATOR FILING LEGAL OR
12 ADMINISTRATIVE ACTION FOR REPEATED OR WILLFUL VIOLATIONS OF THIS
13 ARTICLE 22.

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

20 **5-22-107. Administrative procedures - applicability.** EXCEPT
21 AS OTHERWISE PROVIDED, SECTIONS 24-4-102 TO 24-4-106 APPLY TO AND
22 GOVERN ALL RULES ADOPTED AND ALL ADMINISTRATIVE ACTION TAKEN
23 BY THE ADMINISTRATOR PURSUANT TO THIS ARTICLE 22; EXCEPT THAT
24 SECTION 24-4-104 (3) DOES NOT APPLY.

25 **5-22-108. Applicability - exceptions.** (1) THIS ARTICLE 22
26 APPLIES TO A PERSON THAT ACTS AS A PROVIDER FOR A CONSUMER,
27 REGARDLESS OF WHETHER THE PROVIDER'S BUSINESS IS LOCATED INSIDE

1 OR OUTSIDE OF THE STATE.

2 (2) THIS ARTICLE 22 DOES NOT APPLY TO A FEDERAL DEPARTMENT
3 OR AGENCY; A STATE OR MUNICIPAL GOVERNMENT; OR A CORPORATION
4 ORGANIZED UNDER THE GENERAL BANKING, SAVINGS AND LOAN, OR
5 CREDIT UNION LAWS OF THE STATE, ANOTHER STATE, OR THE UNITED
6 STATES.

7 (3) NOTWITHSTANDING THE "UNIFORM CONSUMER CREDIT CODE",
8 ARTICLES 1 TO 9 OF THIS TITLE 5, OR ANY OTHER LAW TO THE CONTRARY:

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

11 (I) A VIOLATION OF OR NONCOMPLIANT WITH ANY LAW
12 GOVERNING:

13 (A) DEDUCTIONS FROM PAYROLL, SALARY, WAGES,
14 COMPENSATION, OR OTHER INCOME; OR

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

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

18 (III) A MONEY TRANSMISSION.

19 (b) A LICENSEE IS NOT CONSIDERED TO BE A CREDITOR, DEBT
20 COLLECTOR, COLLECTION AGENCY, LENDER, OR MONEY TRANSMITTER
21 WHEN PROVIDING EARNED-WAGE ACCESS SERVICES.

22 (c) FEES PAID TO A LICENSEE IN ACCORDANCE WITH THIS ARTICLE
23 22 ARE NOT INTEREST OR FINANCE CHARGES.

24 **5-22-109. Actions by provider - required.** (1) A PROVIDER
25 SHALL:

26 (a) DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO
27 RESPOND TO QUESTIONS RAISED BY CONSUMERS AND ADDRESS

1 COMPLAINTS FROM CONSUMERS IN AN EXPEDIENT MANNER;

2 (b) IF THE PROVIDER OFFERS A CONSUMER THE OPTION TO RECEIVE
3 PROCEEDS FOR A FEE, OFFER TO THE CONSUMER AT LEAST ONE
4 REASONABLE OPTION TO OBTAIN PROCEEDS AT NO COST TO THE CONSUMER
5 AND CLEARLY EXPLAIN HOW TO ELECT THE NO-COST OPTION;

6 (c) BEFORE ENTERING INTO AN AGREEMENT WITH A CONSUMER
7 FOR THE PROVISION OF EARNED-WAGE ACCESS SERVICES:

8 (I) INFORM THE CONSUMER OF THEIR RIGHTS UNDER THE
9 AGREEMENT; AND

10 (II) FULLY AND CLEARLY DISCLOSE ALL FEES ASSOCIATED WITH
11 THE EARNED-WAGE ACCESS SERVICES;

12 (d) INFORM THE CONSUMER OF ANY MATERIAL CHANGES TO THE
13 TERMS AND CONDITIONS OF THE EARNED-WAGE ACCESS SERVICES BEFORE
14 IMPLEMENTING THE CHANGES FOR THE CONSUMER;

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

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

20 (g) PROVIDE PROCEEDS TO A CONSUMER BY ANY MEANS
21 MUTUALLY AGREED UPON BY THE CONSUMER AND THE PROVIDER;

22 (h) IF THE PROVIDER SEEKS REPAYMENT OF OUTSTANDING
23 PROCEEDS OR PAYMENT OF FEES OR OTHER AMOUNTS OWED IN
24 CONNECTION WITH THE ACTIVITIES COVERED BY THIS ARTICLE 22 FROM A
25 CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION, INCLUDING BY
26 MEANS OF ELECTRONIC FUNDS TRANSFER:

27 (I) COMPLY WITH APPLICABLE PROVISIONS OF THE FEDERAL

1 "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C. SEC. 1693 ET SEQ., AND
2 REGULATIONS ADOPTED PURSUANT TO THE ACT; AND

3 (II) REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY
4 OVERDRAFT OR INSUFFICIENT FUNDS FEES IMPOSED ON A CONSUMER BY
5 THE CONSUMER'S DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE
6 PROVIDER ATTEMPTING TO SEEK PAYMENT OF ANY OUTSTANDING
7 PROCEEDS, FEES, OR OTHER PAYMENTS IN CONNECTION WITH THE
8 ACTIVITIES COVERED BY THIS ARTICLE 22 ON A DATE BEFORE, OR IN AN
9 INCORRECT AMOUNT FROM, THE DATE OR AMOUNT DISCLOSED TO THE
10 CONSUMER; AND

11 (i) IN THE PROVISION OF CONSUMER-DIRECTED WAGE ACCESS
12 SERVICES, ALLOW THE CONSUMER TO RESCHEDULE A DATE FOR THE
13 SETTLEMENT OF OUTSTANDING PROCEEDS AT ANY TIME WITHOUT
14 INCURRING AN ADDITIONAL FEE IMPOSED BY THE PROVIDER.

15 **5-22-110. Prohibited acts.** (1) A PROVIDER SHALL NOT:

16 (a) SHARE WITH AN EMPLOYER A PORTION OF ANY FEES THAT WERE
17 RECEIVED FROM OR CHARGED TO A CONSUMER FOR EARNED-WAGE ACCESS
18 SERVICES;

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

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

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

27 (e) REPORT TO A CONSUMER REPORTING AGENCY, COLLECTION

1 AGENCY, OR DEBT COLLECTOR ANY INFORMATION ABOUT THE CONSUMER
2 REGARDING THE INABILITY OF THE PROVIDER TO BE REPAID OUTSTANDING
3 PROCEEDS OR FEES;

4 (f) SOLICIT, CHARGE, OR RECEIVE TIPS, GRATUITIES, OR OTHER
5 DONATIONS FROM A CONSUMER;

6 (g) IMPOSE A FEE IN EXCESS OF SEVEN DOLLARS FOR DELIVERY OR
7 EXPEDITED DELIVERY OF SERVICES FOR FISCAL YEAR 2025-26 AND, FOR
8 EACH FISCAL YEAR THEREAFTER, IMPOSE A FEE INCREASE BY AN AMOUNT
9 THAT IS GREATER THAN THE ANNUAL PERCENTAGE CHANGE IN THE UNITED
10 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
11 CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR
12 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID FOR BY URBAN
13 CONSUMERS;

14 (h) ENTER INTO AN AGREEMENT WITH AN EMPLOYER THAT WOULD
15 REQUIRE A CONSUMER WHO IS AN EMPLOYEE OF SUCH EMPLOYER TO USE
16 EARNED-WAGE ACCESS SERVICES AS A NECESSARY CONDITION OF
17 RECEIVING PAYMENT OF WAGES; OR

18 (i) (I) COMPEL OR ATTEMPT TO COMPEL A CONSUMER TO PAY
19 OUTSTANDING PROCEEDS OR FEES TO THE PROVIDER THROUGH:

20 (A) A LAWSUIT AGAINST THE CONSUMER IN A COURT OF
21 COMPETENT JURISDICTION;

22 (B) THE USE OF A THIRD PARTY TO PURSUE COLLECTION FROM THE
23 CONSUMER ON THE PROVIDER'S BEHALF; OR

24 (C) THE SALE OF OUTSTANDING PROCEEDS OR FEES TO A
25 THIRD-PARTY COLLECTOR OR DEBT BUYER FOR COLLECTION FROM A
26 CONSUMER.

27 (II) THE LIMITATIONS IN THIS SUBSECTION (1)(i) DO NOT PRECLUDE

1 A PROVIDER FROM USING ANY OF THE METHODS IN SUBSECTION (1)(i)(I) OF
2 THIS SECTION TO:

3 (A) COMPEL PAYMENT OF OUTSTANDING PROCEEDS PAID TO OR
4 FEES INCURRED BY A CONSUMER THROUGH FRAUDULENT OR OTHER
5 UNLAWFUL MEANS; OR

6 (B) PURSUE AN EMPLOYER FOR BREACH OF ITS CONTRACTUAL
7 OBLIGATIONS TO THE PROVIDER.

8 **5-22-111. Powers of administrator.** (1) IN ADDITION TO OTHER
9 POWERS GRANTED BY THIS ARTICLE 22, THE ADMINISTRATOR MAY:

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

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

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

17 (d) MAKE STUDIES APPROPRIATE TO EFFECTUATE THE PURPOSES
18 AND POLICIES OF THIS ARTICLE 22 AND MAKE THE RESULTS OF ANY STUDY,
19 AGGREGATED FOR ALL LICENSEES AND NONIDENTIFIABLE BY LICENSEE,
20 AVAILABLE TO THE PUBLIC;

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

24 (f) EXCHANGE INFORMATION WITH ANOTHER GOVERNMENTAL
25 AGENCY OR OFFICIAL THAT HAS REGULATORY AUTHORITY COMPARABLE
26 TO THAT OF THE ADMINISTRATOR, SUBJECT TO AN APPROPRIATE
27 CONFIDENTIALITY AGREEMENT BETWEEN THE ADMINISTRATOR AND THE

1 OTHER AGENCY OR OFFICIAL OR AS OTHERWISE PERMITTED BY LAW. THIS
2 SUBSECTION (1)(f) DOES NOT ALLOW THE EXCHANGE OF INFORMATION
3 WITH PROVIDERS.

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

9 **5-22-112. Administrative enforcement - cease and desist -**
10 **penalty - rules.** (1) THE ADMINISTRATOR SHALL ENFORCE THIS ARTICLE
11 22.

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

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

21 (4) A RESPONDENT AGGRIEVED BY AN ACTION OR ORDER OF THE
22 ADMINISTRATOR MAY OBTAIN JUDICIAL REVIEW OF THE ACTION OR ORDER
23 IN THE COLORADO COURT OF APPEALS. THE ADMINISTRATOR MAY OBTAIN
24 AN ORDER OF THE COURT FOR ENFORCEMENT OF THE ADMINISTRATOR'S
25 ORDER IN THE DISTRICT COURT UNDER SECTION 24-4-106. ALL
26 PROCEEDINGS AUTHORIZED UNDER THIS SECTION ARE GOVERNED BY
27 SECTIONS 24-4-105 AND 24-4-106.

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

18 **5-22-113. Civil actions by administrator - penalty.** (1) THE
19 ADMINISTRATOR MAY BRING A CIVIL ACTION AGAINST A PROVIDER OR A
20 PERSON ACTING ON THE PROVIDER'S BEHALF TO RECOVER A CIVIL PENALTY
21 FOR WILLFULLY VIOLATING THIS ARTICLE 22, AND, IF THE COURT FINDS
22 THAT THE DEFENDANT HAS ENGAGED IN A COURSE OF REPEATED AND
23 WILLFUL VIOLATIONS OF THIS ARTICLE 22, THE COURT MAY ASSESS A CIVIL
24 PENALTY OF NO MORE THAN TEN THOUSAND DOLLARS PER VIOLATION. A
25 CIVIL PENALTY PURSUANT TO THIS SUBSECTION (1) SHALL NOT BE IMPOSED
26 FOR VIOLATIONS OF THIS ARTICLE 22 THAT OCCUR MORE THAN FOUR
27 YEARS BEFORE THE ACTION IS BROUGHT.

1 (2) IF THE ADMINISTRATOR PREVAILS IN AN ACTION BROUGHT
2 UNDER THIS SECTION, THE ADMINISTRATOR MAY RECOVER REASONABLE
3 COSTS OF THE INVESTIGATION AND ACTION AND MAY REQUEST AN ORDER
4 FOR REIMBURSEMENT OF REASONABLE ATTORNEY FEES.

5 (3) IN AN ACTION BROUGHT BY THE ADMINISTRATOR UNDER THIS
6 ARTICLE 22, THE ADMINISTRATOR DOES NOT HAVE A RIGHT TO TRIAL BY
7 JURY, BUT A DEFENDANT MAY REQUEST A JURY TRIAL UNDER THE
8 COLORADO RULES OF CIVIL PROCEDURE.

9 **5-22-114. Assurance of discontinuance.** IF A PERSON FILES A
10 COMPLAINT WITH THE ADMINISTRATOR AS DESCRIBED IN SECTION
11 5-22-111 OR WITH A COURT AS DESCRIBED IN SECTION 5-22-112 THAT A
12 PROVIDER HAS ENGAGED IN CONDUCT SUBJECT TO AN ORDER BY THE
13 ADMINISTRATOR OR BY THE COURT, THE ADMINISTRATOR OR THE COURT
14 MAY ACCEPT AN ASSURANCE IN WRITING THAT THE PROVIDER WILL NOT
15 ENGAGE IN THE CONDUCT IN THE FUTURE. THE ADMINISTRATOR MAY
16 REQUIRE THE PROVIDER AS PART OF THE ASSURANCE TO PAY A PENALTY
17 UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION AND REIMBURSE THE
18 ADMINISTRATOR FOR THE ADMINISTRATOR'S REASONABLE COSTS
19 INCURRED IN INVESTIGATING THE CONDUCT.

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect November 1, 2025; except that,
22 if a referendum petition is filed pursuant to section 1 (3) of article V of
23 the state constitution against this act or an item, section, or part of this act
24 within the ninety-day period after final adjournment of the general
25 assembly, then the act, item, section, or part will not take effect unless
26 approved by the people at the general election to be held in November
27 2026 and, in such case, will take effect on the date of the official

1 declaration of the vote thereon by the governor.

2 (2) This act applies to earned-wage access services provided on

3 or after November 1, 2025.