

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

PREAMENDED

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

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
Finance

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, 5-1-301, **add** (19.5)
3 as follows:

4 **5-1-301. General definitions.** In addition to definitions appearing
5 in subsequent articles, as used in this code, unless the context otherwise
6 requires:

7 (19.5) "EMPLOYER-INTEGRATED WAGE ACCESS SERVICE" MEANS
8 A CONSUMER CREDIT TRANSACTION THAT PROVIDES A CONSUMER ACCESS
9 TO EARNED BUT UNPAID INCOME THAT IS BASED ON EMPLOYMENT INCOME,
10 OR ATTENDANCE DATA OBTAIN DIRECTLY FROM AN EMPLOYER OR AN
11 EMPLOYER'S PAYROLL SERVICE PROVIDER."

12 **SECTION 2.** In Colorado Revised Statutes, **add** 5-2-215 as
13 follows:

14 **5-2-215. Employer-integrated wage access service - consumer**
15 **protections - rules.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
16 THE CODE, A PERSON MAY OFFER AN EMPLOYER-INTEGRATED WAGE
17 ACCESS SERVICE SUBJECT TO CONSUMER PROTECTION RULES ADOPTED BY
18 THE ADMINISTRATOR THAT ENSURE SAFETY AND AFFORDABILITY. IN
19 ADOPTING THE CONSUMER PROTECTION RULES, THE ADMINISTRATOR
20 SHALL:

21 (a) NOT REQUIRE THAT THE FEE FOR DELIVERY OR EXPEDITED
22 DELIVERY OF SERVICES BE LESS THAN THREE DOLLARS FIFTY CENTS;

23 (b) NOT REQUIRE THAT A PROVIDER DISCLOSE THE ANNUAL
24 PERCENTAGE RATE OF AN EARNED-WAGE ACCESS SERVICES TRANSACTION
25 TO THE EMPLOYER OR CONSUMER; AND

26 (c) COMPLY WITH SECTION 5-22-108 (3).

1 CONTRACTOR, BUT HAS NOT BEEN PAID TO THE CONSUMER BY THE
2 EMPLOYER.

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

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

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

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

10 (b) "EMPLOYER" DOES NOT INCLUDE:

11 (I) A CUSTOMER OF THE EMPLOYER; OR

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

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

21 (8) "FEE" MEANS:

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

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

27 (9) "LICENSEE" MEANS A PROVIDER LICENSED BY THE

1 ADMINISTRATOR PURSUANT TO THIS ARTICLE 22 TO PROVIDE
2 EARNED-WAGE ACCESS SERVICES.

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

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

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

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

12 (b) "PROVIDER" DOES NOT INCLUDE:

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

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

20 **5-22-103. Earned-wage access services - license - application**
21 **- renewal - fees - rules.** (1) BEGINNING JANUARY 1, 2026, A PERSON
22 SHALL NOT PROVIDE EARNED-WAGE ACCESS SERVICES OR ACT AS A
23 PROVIDER WITHOUT A LICENSE ISSUED BY THE ADMINISTRATOR PURSUANT
24 TO THIS ARTICLE 22.

25 (2) (a) EACH APPLICANT TO BE A LICENSEE SHALL SUBMIT AN
26 APPLICATION TO THE ADMINISTRATOR IN A FORM AND MANNER
27 PRESCRIBED BY THE ADMINISTRATOR.

1 (b) THE APPLICATION MUST INCLUDE:
2 (I) THE NAME, MAILING ADDRESS, AND PHYSICAL LOCATION OF THE
3 APPLICANT'S BUSINESS;
4 (II) A LICENSE APPLICATION FEE AS DETERMINED NECESSARY BY
5 THE ADMINISTRATOR, IN AN AMOUNT NOT TO EXCEED SIX THOUSAND
6 DOLLARS; AND
7 (III) ANY OTHER INFORMATION AS DETERMINED BY THE
8 ADMINISTRATOR.
9 (c) THE ADMINISTRATOR SHALL REVIEW EACH APPLICATION AND
10 DETERMINE WHETHER THE APPLICANT QUALIFIES FOR A LICENSE.
11 (3) (a) THE ADMINISTRATOR SHALL NOT ISSUE A LICENSE TO A
12 PROVIDER UNLESS:
13 (I) THE ADMINISTRATOR, UPON INVESTIGATION, FINDS THAT THE
14 FINANCIAL RESPONSIBILITY, CHARACTER, AND FITNESS OF THE APPLICANT
15 AND OF THE APPLICANT'S MEMBERS, MANAGERS, PARTNERS, OFFICERS,
16 AND DIRECTORS ARE SUFFICIENT SO THAT THE ADMINISTRATOR BELIEVES
17 THAT THE APPLICANT WILL OPERATE THE BUSINESS HONESTLY AND FAIRLY
18 WITHIN THE PURPOSES OF THIS ARTICLE 22; AND
19 (II) THE LICENSE APPLICATION FEE IS PAID.
20 (b) THE ADMINISTRATOR MAY DENY AN APPLICATION FOR A
21 LICENSE BASED ON ANY OF THE GROUNDS LISTED IN SECTION 5-22-104.
22 (4) (a) IF THE ADMINISTRATOR DENIES AN APPLICATION, UPON
23 WRITTEN REQUEST OF THE APPLICANT, THE ADMINISTRATOR SHALL ALLOW
24 FOR A HEARING ON THE QUESTION OF THE APPLICANT'S QUALIFICATIONS
25 FOR A LICENSE.
26 (b) IN ORDER FOR A HEARING TO TAKE PLACE PURSUANT TO
27 SUBSECTION (4)(a) OF THIS SECTION, AN APPLICANT MUST REQUEST THE

1 HEARING NOT MORE THAN SIXTY DAYS AFTER THE ADMINISTRATOR HAS
2 MAILED A WRITTEN NOTIFICATION TO THE APPLICANT STATING THAT THE
3 APPLICATION HAS BEEN DENIED AND STATING THE SUBSTANTIVE REASONS
4 FOR THE ADMINISTRATOR'S FINDINGS SUPPORTING THE DENIAL OF THE
5 APPLICATION.

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

10 (6) A LICENSE IS VALID FOR ONE YEAR. TO RENEW A LICENSE, A
11 LICENSEE SHALL FILE A RENEWAL FORM ANNUALLY IN A FORM AND
12 MANNER PRESCRIBED BY THE ADMINISTRATOR AND INCLUDE A RENEWAL
13 FEE ESTABLISHED BY THE ADMINISTRATOR. THE FEE AND RENEWAL FORM
14 IS DUE TO THE ADMINISTRATOR BY APRIL 15 OF EACH YEAR. IF A LICENSEE
15 FAILS TO PAY THE PRESCRIBED RENEWAL FEE ON OR BEFORE MAY 1 OF
16 EACH YEAR, THE LICENSEE SHALL PAY A PENALTY OF FIVE DOLLARS PER
17 DAY PER LICENSE BEGINNING MAY 2 AND UNTIL THE DATE THE PAYMENT
18 IS POSTMARKED. IF A LICENSEE FAILS TO PAY THE APPROPRIATE RENEWAL
19 AND PENALTY FEES BY MAY 15, THE LICENSEE'S LICENSE AUTOMATICALLY
20 EXPIRES.

21 **5-22-104. License - denial - grounds for discipline.** (1) THE
22 ADMINISTRATOR MAY DENY AN APPLICATION FOR A LICENSE OR TAKE
23 DISCIPLINARY ACTION AGAINST A LICENSEE UNDER THIS ARTICLE 22 IF THE
24 ADMINISTRATOR FINDS THAT:

25 (a) THE APPLICANT OR LICENSEE VIOLATED THIS ARTICLE 22 OR A
26 RULE ADOPTED BY THE ADMINISTRATOR PURSUANT TO THIS ARTICLE 22;

27 (b) FACTS OR CONDITIONS EXIST THAT WOULD HAVE CLEARLY

1 JUSTIFIED THE ADMINISTRATOR'S REFUSAL TO GRANT A LICENSE TO THE
2 LICENSEE HAD THESE FACTS OR CONDITIONS BEEN KNOWN TO EXIST AT THE
3 TIME THE APPLICATION FOR THE LICENSE WAS MADE;

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

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

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

10 (f) THE APPLICANT OR LICENSEE IS INSOLVENT;

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

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

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

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

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

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

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

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

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

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

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

23 (4) A LICENSEE MAY RELINQUISH THE LICENSE BY NOTIFYING THE
24 ADMINISTRATOR IN WRITING OF THE RELINQUISHMENT. A REVOCATION,
25 SUSPENSION, EXPIRATION, OR RELINQUISHMENT OF A LICENSE DOES NOT
26 AFFECT THE LICENSEE'S LIABILITY FOR ACTS PREVIOUSLY COMMITTED NOR
27 IMPAIR THE ADMINISTRATOR'S ABILITY TO ISSUE A FINAL AGENCY ORDER

1 OR IMPOSE DISCIPLINE AGAINST THE LICENSEE.

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

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

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

13 (a) DENY THE APPLICATION FOR LICENSURE;

14 (b) REVOKE THE LICENSE;

15 (c) SUSPEND THE LICENSE FOR A PERIOD OF TIME;

16 (d) ISSUE AN ORDER TO THE LICENSEE TO CEASE AND DESIST FROM
17 SPECIFIC ACTS;

18 (e) IMPOSE A PENALTY OF UP TO A MAXIMUM OF ONE THOUSAND
19 DOLLARS FOR EACH VIOLATION;

20 (f) BAR THE PERSON FROM APPLYING FOR OR HOLDING A LICENSE
21 FOR A PERIOD OF FIVE YEARS FOLLOWING REVOCATION OF THEIR LICENSE;

22 (g) ISSUE A LETTER OF ADMONITION; OR

23 (h) IMPOSE A PENALTY OF TWO HUNDRED DOLLARS PER DAY FOR
24 FAILURE TO MAKE, PRODUCE, OR RETAIN RECORDS REQUIRED TO BE
25 MAINTAINED UNDER THIS ARTICLE 22 WITHIN FORTY-EIGHT HOURS AFTER
26 AN ADMINISTRATOR'S WRITTEN REQUEST. IF THE ADMINISTRATOR HAS
27 PROVIDED ADVANCE WRITTEN NOTICE OF FORTY-EIGHT HOURS OR MORE

1 TO A LICENSEE PRIOR TO CONDUCTING AN EXAMINATION PURSUANT TO
2 SECTION 5-22-106, THE PENALTY MAY BE IMPOSED WITHOUT ALLOWING
3 ADDITIONAL TIME.

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

14 **5-22-105. Records - annual reports - rules.** (1) EACH LICENSEE
15 SHALL MAINTAIN RECORDS IN CONFORMITY WITH THIS SECTION, RULES
16 ADOPTED BY THE ADMINISTRATOR PURSUANT TO THIS SECTION, AND
17 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND PRACTICES IN A
18 MANNER THAT WILL ENABLE THE ADMINISTRATOR TO DETERMINE IF THE
19 LICENSEE IS COMPLYING WITH THIS ARTICLE 22. A LICENSEE MAY, BUT IS
20 NOT REQUIRED TO, KEEP THE REQUIRED RECORDS IN THE LICENSEE'S PLACE
21 OF BUSINESS AS LONG AS THE ADMINISTRATOR IS GIVEN FREE ACCESS TO
22 THE RECORDS IN THE LICENSEE'S STORAGE LOCATION. A LICENSEE DOES
23 NOT NEED TO PRESERVE RECORDS PERTAINING TO AN EARNED-WAGE
24 ACCESS SERVICES TRANSACTION MADE AS PART OF THE LICENSEE'S
25 BUSINESS FOR MORE THAN ONE YEAR AFTER MAKING THE FINAL ENTRY
26 RELATED TO THE EARNED-WAGE ACCESS SERVICES TRANSACTION.

27 (2) EACH LICENSEE SHALL FILE AN ANNUAL REPORT WITH THE

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

7 (a) THE GROSS REVENUE ATTRIBUTABLE TO EARNED-WAGE ACCESS
8 SERVICES;

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

11 (c) THE TOTAL NUMBER OF CONSUMERS TO WHOM THE LICENSEE
12 PROVIDED PROCEEDS;

13 (d) THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE LICENSEE
14 PROVIDED TO CONSUMERS; AND

15 (e) THE TOTAL DOLLAR AMOUNT OF FEES THE PROVIDER RECEIVED
16 FROM CONSUMERS.

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

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

26 (5) IF A LICENSEE FAILS TO FILE AN ANNUAL REPORT BY APRIL 15,
27 THE ADMINISTRATOR MAY IMPOSE A PENALTY OF FIVE DOLLARS PER DAY

1 BEGINNING APRIL 16 AND EACH DAY THEREAFTER UNTIL THE DATE OF THE
2 POSTMARK ON THE FILED REPORT. IF A LICENSEE FAILS TO FILE THE REPORT
3 AND PAY THE PENALTY IMPOSED BY MAY 1 OF THE SAME YEAR, THE
4 LICENSEE'S LICENSE AUTOMATICALLY EXPIRES.

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

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

1 ADMINISTRATOR'S BEHALF.

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

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

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

26 (5) AFTER THE ADMINISTRATOR HAS EXAMINED A LICENSEE'S
27 RECORDS PURSUANT TO THIS SECTION, THE ADMINISTRATOR SHALL

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

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

18 **5-22-107. Administrative procedures - applicability.** EXCEPT
19 AS OTHERWISE PROVIDED, SECTIONS 24-4-102 TO 24-4-106 APPLY TO AND
20 GOVERN ALL RULES ADOPTED AND ALL ADMINISTRATIVE ACTION TAKEN
21 BY THE ADMINISTRATOR PURSUANT TO THIS ARTICLE 22; EXCEPT THAT
22 SECTION 24-4-104 (3) DOES NOT APPLY.

23 **5-22-108. Applicability - exceptions.** (1) THIS ARTICLE 22
24 APPLIES TO A PERSON THAT ACTS AS A PROVIDER FOR A CONSUMER,
25 REGARDLESS OF WHETHER THE PROVIDER'S BUSINESS IS LOCATED INSIDE
26 OR OUTSIDE OF THE STATE.

27 (2) THIS ARTICLE 22 DOES NOT APPLY TO A FEDERAL DEPARTMENT

1 OR AGENCY; A STATE OR MUNICIPAL GOVERNMENT; OR A CORPORATION
2 ORGANIZED UNDER THE GENERAL BANKING, SAVINGS AND LOAN, OR
3 CREDIT UNION LAWS OF THE STATE, ANOTHER STATE, OR THE UNITED
4 STATES.

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

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

9 (I) A VIOLATION OF OR NONCOMPLIANT WITH ANY LAW
10 GOVERNING:

11 (A) DEDUCTIONS FROM PAYROLL, SALARY, WAGES,
12 COMPENSATION, OR OTHER INCOME; OR

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

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

16 (III) A MONEY TRANSMISSION.

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

20 (c) FEES PAID TO A LICENSEE IN ACCORDANCE WITH THIS ARTICLE
21 22 ARE NOT INTEREST OR FINANCE CHARGES.

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

24 (a) DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO
25 RESPOND TO QUESTIONS RAISED BY CONSUMERS AND ADDRESS
26 COMPLAINTS FROM CONSUMERS IN AN EXPEDIENT MANNER;

27 (b) IF THE PROVIDER OFFERS A CONSUMER THE OPTION TO RECEIVE

1 PROCEEDS FOR A FEE, OFFER TO THE CONSUMER AT LEAST ONE
2 REASONABLE OPTION TO OBTAIN PROCEEDS AT NO COST TO THE CONSUMER
3 AND CLEARLY EXPLAIN HOW TO ELECT THE NO-COST OPTION;

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

6 (I) INFORM THE CONSUMER OF THEIR RIGHTS UNDER THE
7 AGREEMENT; AND

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

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

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

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

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

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

25 (I) COMPLY WITH APPLICABLE PROVISIONS OF THE FEDERAL
26 "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C. SEC. 1693 ET SEQ., AND
27 REGULATIONS ADOPTED PURSUANT TO THE ACT; AND

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

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

13 **5-22-110. Prohibited acts.** (1) A PROVIDER SHALL NOT:

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

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

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

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

25 (e) REPORT TO A CONSUMER REPORTING AGENCY, COLLECTION
26 AGENCY, OR DEBT COLLECTOR ANY INFORMATION ABOUT THE CONSUMER
27 REGARDING THE INABILITY OF THE PROVIDER TO BE REPAID OUTSTANDING

1 PROCEEDS OR FEES;

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

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

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

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

18 (A) A LAWSUIT AGAINST THE CONSUMER IN A COURT OF
19 COMPETENT JURISDICTION;

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

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

25 (II) THE LIMITATIONS IN THIS SUBSECTION (1)(i) DO NOT PRECLUDE
26 A PROVIDER FROM USING ANY OF THE METHODS IN SUBSECTION (1)(i)(I) OF
27 THIS SECTION TO:

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

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

6 **5-22-111. Powers of administrator.** (1) IN ADDITION TO OTHER
7 POWERS GRANTED BY THIS ARTICLE 22, THE ADMINISTRATOR MAY:

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

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

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

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

19 (e) EMPLOY ADMINISTRATIVE LAW JUDGES FROM THE OFFICE OF
20 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL TO
21 CONDUCT HEARINGS ON ANY 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, REGULATION, INTERPRETATION, OR WRITTEN RESPONSE TO A PERSON
5 PURSUANT TO A WRITTEN REQUEST ON BEHALF OF THE IDENTIFIED PERSON
6 BY THE ADMINISTRATOR.

7 **5-22-112. Administrative enforcement - cease and desist -**
8 **penalty - rules.** (1) THE ADMINISTRATOR SHALL ENFORCE THIS ARTICLE
9 22.

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

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

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

26 (5) WITH RESPECT TO AN ACTION BROUGHT TO ENJOIN VIOLATIONS
27 OF THIS ARTICLE 22, THE ADMINISTRATOR MAY APPLY TO THE COURT OF

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

16 **5-22-113. Civil actions by administrator - penalty.** (1) THE
17 ADMINISTRATOR MAY BRING A CIVIL ACTION AGAINST A PROVIDER OR A
18 PERSON ACTING ON THE PROVIDER'S BEHALF TO RECOVER A CIVIL PENALTY
19 FOR WILLFULLY VIOLATING THIS ARTICLE 22, AND, IF THE COURT FINDS
20 THAT THE DEFENDANT HAS ENGAGED IN A COURSE OF REPEATED AND
21 WILLFUL VIOLATIONS OF THIS ARTICLE 22, THE COURT MAY ASSESS A CIVIL
22 PENALTY OF NO MORE THAN TEN THOUSAND DOLLARS PER VIOLATION. A
23 CIVIL PENALTY PURSUANT TO THIS SUBSECTION (1) SHALL NOT BE IMPOSED
24 FOR VIOLATIONS OF THIS ARTICLE 22 THAT OCCUR MORE THAN FOUR
25 YEARS BEFORE THE ACTION IS BROUGHT.

26 (2) IF THE ADMINISTRATOR PREVAILS IN AN ACTION BROUGHT
27 UNDER THIS SECTION, THE ADMINISTRATOR MAY RECOVER REASONABLE

1 COSTS OF THE INVESTIGATION AND ACTION AND MAY REQUEST AN ORDER
2 FOR REIMBURSEMENT OF REASONABLE ATTORNEY FEES.

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

7 **5-22-114. Assurance of discontinuance.** IF A PERSON FILES A
8 COMPLAINT WITH THE ADMINISTRATOR AS DESCRIBED IN SECTION
9 5-22-111 OR WITH A COURT AS DESCRIBED IN SECTION 5-22-112 THAT A
10 PROVIDER HAS ENGAGED IN CONDUCT SUBJECT TO AN ORDER BY THE
11 ADMINISTRATOR OR BY THE COURT, THE ADMINISTRATOR OR THE COURT
12 MAY ACCEPT AN ASSURANCE IN WRITING THAT THE PROVIDER WILL NOT
13 ENGAGE IN THE CONDUCT IN THE FUTURE. THE ADMINISTRATOR MAY
14 REQUIRE THE PROVIDER AS PART OF THE ASSURANCE TO PAY A PENALTY
15 UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION AND REIMBURSE THE
16 ADMINISTRATOR FOR THE ADMINISTRATOR'S REASONABLE COSTS
17 INCURRED IN INVESTIGATING THE CONDUCT.

18 **SECTION 4. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect November 1, 2025; except that,
20 if a referendum petition is filed pursuant to section 1 (3) of article V of
21 the state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2026 and, in such case, will take effect on the date of the official
26 declaration of the vote thereon by the governor.

1 (2) This act applies to earned-wage access services provided on
2 or after November 1, 2025.