

REFERENCE TITLE: earned wage access; providers; license

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **HB 2309**

Introduced by  
Representative Weninger

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 6-602, Arizona Revised Statutes, is amended to  
3 read:  
4 6-602. Exemptions  
5 A. This chapter does not apply to:  
6 1. A person who does business under any other law of this state, or  
7 any other state while regulated by a state agency of that other state, or  
8 of the United States, relating to banks, savings banks, trust companies,  
9 savings and loan associations, profit sharing and pension trusts, credit  
10 unions, insurance companies or receiverships if the consumer lender loan  
11 transactions are regulated by the other law or are under the jurisdiction  
12 of a court.  
13 2. A person who is licensed as a pawnbroker pursuant to title 44,  
14 chapter 11, article 3 to the extent that the person's activities are  
15 governed by that article.  
16 3. A person who is not regularly engaged in the business of making  
17 consumer lender loans.  
18 4. A person who is licensed pursuant to chapter 9 of this title to  
19 the extent that the person's activities are governed by that chapter.  
20 5. A PERSON WHO IS LICENSED AS AN EARNED WAGE ACCESS PROVIDER  
21 PURSUANT TO CHAPTER 18 OF THIS TITLE.  
22 B. The requirements of this chapter do not apply to:  
23 1. Closed end loans of more than \$10,000.  
24 2. Advances on open end revolving loans that are not secured by the  
25 consumer's principal residence with an agreed on credit limit of more than  
26 \$10,000, regardless of the amount of any advances on these revolving  
27 loans.  
28 3. Advances on open end revolving loans that are secured by the  
29 consumer's principal residence with an agreed on credit limit of more than  
30 \$10,000, regardless of the amount of any advances on these revolving  
31 loans.  
32 4. Consumer lender loans that are lawfully made to nonresidents of  
33 the state in any other state under and in accordance with a regulatory  
34 consumer lender law similar in principle to this chapter.  
35 5. Educational loans that are either:  
36 (a) Made, insured or guaranteed pursuant to a program authorized by  
37 the United States, this state or any other state.  
38 (b) Made by a nonprofit organization that is exempt from taxation  
39 under section 501(c)(3) of the internal revenue code to students who  
40 attend postsecondary educational institutions in this state.  
41 6. EARNED WAGE ACCESS SERVICE TRANSACTIONS AND RELATED PAYMENTS  
42 REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE.  
43 C. A consumer loan made pursuant to a consumer lender license is  
44 not a secondary motor vehicle finance transaction as defined in section  
45 44-281.

1           Sec. 2. Section 6-1202, Arizona Revised Statutes, is amended to  
2 read:

3           6-1202. Exemptions

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

5           1. An operator of a payment system that provides processing,  
6 clearing or settlement services between or among persons exempted by this  
7 section or licensees in connection with wire transfers, credit card  
8 transactions, debit card transactions, stored value transactions,  
9 automated clearinghouse transfers, **EARNED WAGE ACCESS SERVICE TRANSACTIONS**  
10 **REGULATED PURSUANT TO CHAPTER 18 OF THIS TITLE** or similar transfers of  
11 money.

12           2. A person **WHO IS** appointed as an agent of a payee to collect and  
13 process a payment from a payor to the payee for goods or services, other  
14 than money transmission, provided to the payor by the payee, if all of the  
15 following apply:

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

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

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

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

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

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

34           (c) Bears sole responsibility to satisfy the outstanding money  
35 transmission obligation to the sender, including the obligation to make  
36 the sender whole in connection with any failure to transmit the money to  
37 the sender's designated recipient.

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

40           5. Money transmission by the United States postal service or by an  
41 agent of the United States postal service.

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

44           7. A federally insured depository financial institution, **A** bank  
45 holding company, **AN** office of an international banking corporation, **A**

1 foreign bank that establishes a federal branch pursuant to 12 United  
2 States Code section 3102, a corporation organized as a bank service  
3 company pursuant to 12 United States Code sections 1861 through 1867 or a  
4 corporation organized pursuant to 12 United States Code sections 611  
5 through 633.

6 8. AN electronic funds transfer of governmental benefits for a  
7 federal, state, county or governmental agency by a contractor on behalf of  
8 the United States or a department, agency or instrumentality of the United  
9 States or on behalf of a state or governmental subdivision, agency or  
10 instrumentality of a state.

11 9. A board of trade THAT IS designated as a contract market under  
12 the commodity exchange act (7 United States Code sections 1 through 26  
13 27f) or a person that, in the ordinary course of business, provides  
14 clearance and settlement services for a board of trade to the extent of  
15 its operation as or for the board of trade.

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

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

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

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

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

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

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

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

1           Sec. 3. Title 6, Arizona Revised Statutes, is amended by adding  
2 chapter 18, to read:

3   CHAPTER 18

4   EARNED WAGE ACCESS

5   ARTICLE 1. GENERAL PROVISIONS

6           6-1801. Definitions

7           IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

15          4. "EARNED BUT UNPAID INCOME" MEANS SALARY, WAGES, COMPENSATION OR  
16 OTHER INCOME THAT A CONSUMER OR AN EMPLOYER HAS REPRESENTED AND THAT A  
17 PROVIDER HAS REASONABLY DETERMINED HAS BEEN EARNED OR ACCRUED TO THE  
18 BENEFIT OF THE CONSUMER IN EXCHANGE FOR THE CONSUMER'S SERVICES TO THE  
19 EMPLOYER OR ON BEHALF OF THE EMPLOYER, INCLUDING:

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

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

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

26          6. "EMPLOYER":

27           (a) MEANS A PERSON THAT EMPLOYS A CONSUMER OR ANY OTHER PERSON THAT  
28 IS CONTRACTUALLY OBLIGATED TO PAY A CONSUMER EARNED BUT UNPAID INCOME IN  
29 EXCHANGE FOR THE CONSUMER'S PROVISION OF SERVICES TO THE PERSON OR ON  
30 BEHALF OF THE PERSON, INCLUDING:

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

32           (ii) CIRCUMSTANCES IN WHICH THE CONSUMER IS ACTING AS AN  
33 INDEPENDENT CONTRACTOR.

34           (b) DOES NOT INCLUDE:

35           (i) A CUSTOMER OF THE PERSON.

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

39          7. "EMPLOYER-INTEGRATED WAGE ACCESS SERVICES" MEANS DELIVERING TO  
40 CONSUMERS ACCESS TO EARNED BUT UNPAID INCOME THAT IS BASED ON EMPLOYMENT,  
41 INCOME OR ATTENDANCE DATA OBTAINED DIRECTLY OR INDIRECTLY FROM AN  
42 EMPLOYER.

43          8. "FEE":

44           (a) MEANS A FEE THAT IS IMPOSED BY A PROVIDER FOR DELIVERY OR  
45 EXPEDITED DELIVERY OF PROCEEDS TO A CONSUMER OR A SUBSCRIPTION OR

1 MEMBERSHIP FEE THAT IS IMPOSED BY A PROVIDER FOR A BONA FIDE GROUP OF  
2 SERVICES THAT INCLUDES EARNED WAGE ACCESS SERVICES.

3 (b) DOES NOT INCLUDE:

4 (i) VOLUNTARY TIPS.

5 (ii) GRATUITIES.

6 (iii) OTHER DONATIONS.

7 9. "LICENSEE" MEANS A BUSINESS ENTITY THAT IS LICENSED BY THE  
8 DEPARTMENT UNDER SECTION 6-1802 AS A PROVIDER.

9 10. "NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY" MEANS A  
10 MORTGAGE LICENSING SYSTEM DEVELOPED AND MAINTAINED BY A CONFERENCE OF  
11 STATE BANK SUPERVISORS AND AN AMERICAN ASSOCIATION OF RESIDENTIAL MORTGAGE  
12 REGULATIONS FOR THE STATE LICENSING AND REGISTRATION OF LICENSED LOAN  
13 ORIGINATORS AND REGISTERED LOAN ORIGINATORS OR SUCH A SYSTEM ESTABLISHED  
14 BY THE DIRECTOR OF THE UNITED STATES BUREAU OF CONSUMER FINANCIAL  
15 PROTECTION.

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

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

20 13. "PROVIDER":

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

23 (b) DOES NOT INCLUDE:

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

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

31 (iii) A BUSINESS ENTITY THAT OFFERS OR PROVIDES EARNED WAGE ACCESS  
32 SERVICES AND THAT REPORTS A CONSUMER'S PAYMENT OR NONPAYMENT OF ANY  
33 OUTSTANDING PROCEEDS, FEES, VOLUNTARY GRATUITIES OR OTHER VOLUNTARY  
34 DONATIONS THAT ARE ATTRIBUTABLE TO EARNED WAGE ACCESS SERVICES TO A  
35 CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON CONSUMERS  
36 ON A NATIONWIDE BASIS AS DEFINED IN THE FAIR CREDIT REPORTING ACT  
37 (P.L. 90-321; 84 STAT. 1128; 15 UNITED STATES CODE SECTION 1681a(p)).

38 6-1802. License; application; fees; bond; definitions

39 A. BEGINNING JANUARY 1, 2027, A PROVIDER, WHETHER LOCATED IN THIS  
40 STATE OR IN ANOTHER STATE, MAY NOT PROVIDE EARNED WAGE ACCESS SERVICES IN  
41 THIS STATE UNLESS THE PROVIDER HAS BEEN ISSUED A LICENSE BY THE  
42 DEPARTMENT.

43 B. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER THIS SECTION  
44 SHALL APPLY FOR A LICENSE ON A FORM AND IN A MANNER AS PRESCRIBED BY THE

1 DEPARTMENT. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING  
2 INFORMATION:  
3 1. THE NAME OF THE PROVIDER.  
4 2. THE NAME UNDER WHICH THE PROVIDER TRANSACTS BUSINESS, IF  
5 DIFFERENT FROM PARAGRAPH 1 OF THIS SUBSECTION.  
6 3. THE ADDRESS OF THE PROVIDER'S PRINCIPAL OFFICE, WHICH MAY BE  
7 OUTSIDE OF THIS STATE.  
8 4. THE ADDRESSES OF ALL OF THE PROVIDER'S OFFICES OR RETAIL STORES,  
9 IF ANY, LOCATED IN THIS STATE.  
10 5. IF THE PROVIDER PROVIDES EARNED WAGE ACCESS SERVICES AT A  
11 LOCATION THAT IS NOT AN OFFICE OR RETAIL STORE IN THIS STATE, A  
12 DESCRIPTION OF THE MANNER IN WHICH THE PROVIDER PROVIDES EARNED WAGE  
13 ACCESS SERVICES AND THE PROVIDER'S WEBSITE UNIFORM RESOURCE LOCATOR.  
14 6. THE ADDRESS OF THE PROVIDER'S DESIGNATED AGENT ON WHOM SERVICE  
15 OF PROCESS MAY BE MADE IN THIS STATE.  
16 7. THE PROVIDER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER.  
17 8. A FEE SCHEDULE THAT INCLUDES A COMPLETE DESCRIPTION OF ALL THE  
18 FEES THAT THE PROVIDER CHARGES OR MAY CHARGE TO PROVIDE ACCESS TO EARNED  
19 WAGES.  
20 9. DOCUMENTATION OR OTHER INFORMATION THAT DEMONSTRATES THE  
21 CHARACTER, GENERAL FITNESS AND FINANCIAL RESPONSIBILITY OF THE FOLLOWING,  
22 AS APPLICABLE:  
23 (a) THE APPLICANT.  
24 (b) THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.  
25 (c) THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A  
26 LIMITED LIABILITY COMPANY OR ASSOCIATION.  
27 (d) THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A  
28 CORPORATION.  
29 10. ANY OTHER INFORMATION THE DEPARTMENT REQUIRES TO ADMINISTER  
30 THIS CHAPTER.  
31 C. IN ADDITION TO THE APPLICATION UNDER SUBSECTION B OF THIS  
32 SECTION, EACH LICENSEE SHALL REGISTER WITH AND MAINTAIN A VALID UNIQUE  
33 IDENTIFIER ISSUED BY THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND  
34 REGISTRY.  
35 D. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER THIS SECTION  
36 SHALL UPDATE ANY INFORMATION PROVIDED IN ITS LICENSE APPLICATION WITHIN  
37 FIFTEEN BUSINESS DAYS AFTER ANY MATERIAL CHANGE IN THAT INFORMATION.  
38 E. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER THIS SECTION  
39 SHALL FILE WITH THE DEPARTMENT AND MAINTAIN IN FORCE A SURETY BOND THAT IS  
40 ISSUED BY A SURETY COMPANY THAT IS ADMITTED TO DO BUSINESS IN THIS STATE  
41 AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:  
42 1. IS IN AN AMOUNT EQUAL TO \$50,000.  
43 2. IS IN FAVOR OF THIS STATE FOR THE BENEFIT OF ANY PERSON THAT IS  
44 DAMAGED BY A VIOLATION OF THIS CHAPTER.

1           3. IS IN FAVOR OF ANY PERSON THAT IS DAMAGED BY A VIOLATION OF THIS  
2 CHAPTER.

3           F. A PERSON THAT CLAIMS AGAINST A BOND DESCRIBED UNDER SUBSECTION E  
4 OF THIS SECTION FOR A VIOLATION OF THIS CHAPTER MAY MAINTAIN AN ACTION AT  
5 LAW AGAINST THE PROVIDER THAT OBTAINED THE SURETY THAT ISSUED THE  
6 BOND. THE SURETY IS LIABLE ONLY FOR ACTUAL DAMAGES AND NOT FOR PUNITIVE  
7 DAMAGES. THE AGGREGATE LIABILITY OF THE SURETY TO ALL PERSONS DAMAGED BY  
8 A PROVIDER'S VIOLATION OF THIS CHAPTER DOES NOT EXCEED THE AMOUNT OF THE  
9 BOND.

10          G. ONCE THE APPLICANT SUBMITS AN APPLICATION, THE DEPARTMENT SHALL  
11 CONDUCT A CHARACTER AND GENERAL FITNESS AND FINANCIAL RESPONSIBILITY  
12 INVESTIGATION OF THE FOLLOWING:

13           1. THE APPLICANT.

14           2. THE APPLICANT'S PARTNERS IF THE PROVIDER IS A PARTNERSHIP.

15           3. THE APPLICANT'S MANAGERS AND MEMBERS IF THE PROVIDER IS A  
16 LIMITED LIABILITY COMPANY OR ASSOCIATION.

17           4. THE APPLICANT'S OFFICERS AND DIRECTORS IF THE PROVIDER IS A  
18 CORPORATION.

19          H. IF THE INVESTIGATION PURSUANT TO SUBSECTION G OF THIS SECTION  
20 FINDS RELEVANT FACTS THAT WARRANT THE BELIEF THAT THE APPLICANT'S BUSINESS  
21 WILL BE OPERATED IN COMPLIANCE WITH THIS CHAPTER, THE DEPARTMENT SHALL  
22 ISSUE A LICENSE AND, IF NOT, THE DEPARTMENT SHALL DENY THE APPLICATION FOR  
23 A LICENSE.

24          I. THE DEPARTMENT MAY NOT ISSUE A LICENSE TO AN APPLICANT IF ANY OF  
25 THE FOLLOWING APPLIES:

26           1. THE APPLICANT FAILS TO PROVIDE ANY INFORMATION REQUIRED UNDER  
27 SUBSECTION B OF THIS SECTION.

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

30          J. THE PROVIDER'S LICENSE REMAINS IN FORCE AND EFFECT UNTIL THE  
31 DEPARTMENT SUSPENDS OR REVOKES THE LICENSE IN ACCORDANCE WITH THIS CHAPTER  
32 OR THE PROVIDER SURRENDERS THE LICENSE. A LICENSEE SHALL APPLY FOR  
33 RENEWAL AS PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT NOT LATER THAN  
34 DECEMBER 31 OF EACH YEAR. FOR EACH DAY AFTER DECEMBER 31 THAT THE RENEWAL  
35 APPLICATION IS NOT RECEIVED BY THE DIRECTOR OF THE DEPARTMENT, THE  
36 APPLICANT SHALL PAY A \$25 LATE FEE. IF THE DIRECTOR OF THE DEPARTMENT  
37 DOES NOT RECEIVE THE LICENSEE'S RENEWAL APPLICATION ON OR BEFORE DECEMBER  
38 31, THE LICENSEE MAY NOT ACT AS AN EARNED WAGE ACCESS SERVICES PROVIDER  
39 UNTIL THE LICENSE IS RENEWED OR A NEW LICENSE IS ISSUED PURSUANT TO THIS  
40 ARTICLE. IF THE DIRECTOR OF THE DEPARTMENT DOES NOT RECEIVE THE  
41 LICENSEE'S RENEWAL APPLICATION ON OR BEFORE JANUARY 31, THE LICENSE  
42 AUTOMATICALLY EXPIRES. THE HOLDER OF AN EXPIRED LICENSE MAY NOT BE ISSUED  
43 A RENEWAL LICENSE BUT MAY BE ISSUED A NEW LICENSE AS PROVIDED IN THIS  
44 ARTICLE.

1 K. A PROVIDER SHALL CONSPICUOUSLY POST ITS LICENSE AT ITS PHYSICAL  
2 PLACE OF BUSINESS, ON THE PROVIDER'S WEBSITE AND ON ANY OFFICIAL  
3 CONSUMER-FACING DOCUMENT, AGREEMENT OR CORRESPONDENCE.

4 L. AN APPLICANT MAY APPEAL A DENIAL OF AN APPLICATION PURSUANT TO  
5 TITLE 41, CHAPTER 6, ARTICLE 10.

6 M. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

14 (b) HAS CONTRIBUTED TEN PERCENT OR MORE OF THE CAPITAL CONTRIBUTION  
15 OF AN APPLICANT OR LICENSEE THAT IS ORGANIZED AS A LIMITED LIABILITY  
16 COMPANY OR ASSOCIATION OR IS OTHERWISE ENTITLED TO RECEIVE TEN PERCENT OR  
17 MORE OF THE RIGHTS AND BENEFITS OF THE MEMBERSHIP INTEREST OWNERSHIP IN  
18 THE LIMITED LIABILITY COMPANY OR ASSOCIATION.

19 4. "OFFICER":

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

24 (b) INCLUDES THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER,  
25 CHIEF OPERATIONS OFFICER, CHIEF LEGAL OFFICER, CHIEF CREDIT OFFICER AND  
26 CHIEF COMPLIANCE OFFICER, EACH EXECUTIVE VICE PRESIDENT OR SENIOR VICE  
27 PRESIDENT AND ANY OTHER PERSON MEETING THE STANDARD UNDER THIS PARAGRAPH.

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

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

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

32 6-1803. Provider requirements; limitations

33 A. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802  
34 SHALL DO ALL OF THE FOLLOWING:

35 1. DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO RESPOND TO  
36 QUESTIONS RAISED BY CONSUMERS AND ADDRESS COMPLAINTS FROM CONSUMERS IN AN  
37 EXPEDIENT MANNER, INCLUDING REIMBURSING A CONSUMER PURSUANT TO PARAGRAPH  
38 10, SUBDIVISION (b) OF THIS SUBSECTION.

39 2. OFFER AT LEAST ONE REASONABLE OPTION TO A CONSUMER TO OBTAIN  
40 PROCEEDS AT NO COST AND CLEARLY EXPLAIN TO THE CONSUMER HOW TO ELECT THAT  
41 NO COST OPTION.

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

44 (a) INFORM THE CONSUMER OF THE CONSUMER'S RIGHTS UNDER THE  
45 AGREEMENT IN WRITING.

1 (b) FULLY AND CLEARLY DISCLOSE ALL FEES ASSOCIATED WITH THE EARNED  
2 WAGE ACCESS SERVICES AND THE DIFFERENCE BETWEEN THE SERVICES AND THE NO  
3 FEE OPTION.

4 (c) EXPLAIN THE PROCEDURES THE PROVIDER WILL FOLLOW IF THE  
5 PROVIDER'S FIRST ATTEMPT TO OBTAIN PAYMENT OF OUTSTANDING PROCEEDS AND ANY  
6 ASSOCIATED FEES, TIPS, GRATUITIES AND OTHER DONATIONS IS UNSUCCESSFUL.

7 4. EXCEPT AS PROVIDED IN PARAGRAPH 5 OF THIS SUBSECTION, OBTAIN THE  
8 CONSENT OF THE CONSUMER FOR ANY MATERIAL CHANGE TO THE TERMS AND  
9 CONDITIONS OF THE EARNED WAGE ACCESS SERVICES BEFORE IMPLEMENTING THAT  
10 CHANGE FOR THE CONSUMER.

11 5. PROVIDE AT LEAST THIRTY DAYS' ADVANCE WRITTEN NOTICE TO A  
12 CONSUMER FOR ANY MATERIAL CHANGE TO THE TERMS AND CONDITIONS OF AN EARNED  
13 WAGE ACCESS PRODUCT THAT INCLUDES THE CUSTOMER'S ASSENT TO A VOLUNTARY  
14 PREAUTHORIZED AUTOMATED ELECTRONIC FUNDS TRANSFER. THE NOTICE REQUIRED BY  
15 THIS PARAGRAPH MAY BE PROVIDED THROUGH EMAIL OR ANOTHER CONSPICUOUS  
16 ELECTRONIC METHOD IF THE CONSUMER CONSENTS TO RECEIVE COMMUNICATIONS  
17 THROUGH ELECTRONIC MEANS. FOR THE PURPOSES OF THIS PARAGRAPH, VOLUNTARY  
18 PREAUTHORIZED AUTOMATED ELECTRONIC FUNDS TRANSFER DOES NOT INCLUDE A  
19 ONETIME TRANSACTION FOR PROCEEDS AUTHORIZED BY THE CONSUMER.

20 6. ALLOW THE CONSUMER TO CANCEL USE OF THE PROVIDER'S EARNED WAGE  
21 ACCESS SERVICES AT ANY TIME WITHOUT INCURRING A CANCELLATION FEE OR  
22 INHIBITING ACCESS TO CONSUMER FUNDS THAT ARE IN PROCESS.

23 7. COMPLY WITH ALL LOCAL, STATE AND FEDERAL PRIVACY AND INFORMATION  
24 SECURITY LAWS.

25 8. IF A PROVIDER SOLICITS, CHARGES OR RECEIVES A TIP, GRATUITY OR  
26 OTHER DONATION FROM A CONSUMER, DO ALL OF THE FOLLOWING:

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

30 (b) CLEARLY AND CONSPICUOUSLY DISCLOSE IN ITS SERVICE CONTRACT WITH  
31 THE CONSUMER AND ELSEWHERE THAT ANY TIP, GRATUITY OR DONATION IS VOLUNTARY  
32 AND THAT OFFERING EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF  
33 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH  
34 PROCEEDS ARE PROVIDED TO A CONSUMER, IS NOT CONTINGENT ON WHETHER THE  
35 CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE SIZE OF THE  
36 TIP, GRATUITY OR OTHER DONATION.

37 (c) SET THE INITIAL SUGGESTED TIP TO ZERO, IF ANY, AND ALLOW THE  
38 CONSUMER TO OPT IN TO DIFFERENT DEFAULT SETTINGS FOR FUTURE TRANSACTIONS.

39 9. PROVIDE PROCEEDS TO A CONSUMER BY ANY MEANS MUTUALLY AGREED ON  
40 BY THE CONSUMER AND THE LICENSEE.

41 10. IF THE PROVIDER SEEKS REPAYMENT OF OUTSTANDING PROCEEDS OR  
42 PAYMENT OF FEES OR OTHER AMOUNTS OWED, INCLUDING VOLUNTARY TIPS,  
43 GRATUITIES OR OTHER DONATIONS, IN CONNECTION WITH THE ACTIVITIES COVERED  
44 BY THIS CHAPTER FROM A CONSUMER'S ACCOUNT AT A DEPOSITORY INSTITUTION BY  
45 MEANS OF AN ELECTRONIC FUNDS TRANSFER, DO ALL OF THE FOLLOWING:

1 (a) COMPLY WITH APPLICABLE PROVISIONS OF THE ELECTRONIC FUND  
2 TRANSFER ACT AS PRESCRIBED IN 15 UNITED STATES CODE SECTIONS 1693 THROUGH  
3 1693r AND THE REGULATIONS ADOPTED UNDER 15 UNITED STATES CODE SECTIONS  
4 1693 THROUGH SECTION 1693r.

5 (b) WITHIN TEN BUSINESS DAYS AFTER THE CONSUMER'S REQUEST,  
6 REIMBURSE THE CONSUMER FOR THE FULL AMOUNT OF ANY OVERDRAFT OR  
7 NONSUFFICIENT FUND FEES IMPOSED ON THAT CONSUMER BY THE CONSUMER'S  
8 DEPOSITORY INSTITUTION THAT WERE CAUSED BY THE PROVIDER ATTEMPTING TO SEEK  
9 PAYMENT OF ANY OUTSTANDING PROCEEDS, FEES OR OTHER PAYMENTS IN CONNECTION  
10 WITH THE ACTIVITIES COVERED BY THIS CHAPTER, INCLUDING VOLUNTARY TIPS,  
11 GRATUITIES OR OTHER DONATIONS, ON A DATE BEFORE, OR IN AN INCORRECT AMOUNT  
12 FROM, THE DATE OR AMOUNT DISCLOSED TO THE CONSUMER. THE PROVIDER IS NOT  
13 SUBJECT TO THE REQUIREMENTS IN THIS PARAGRAPH WITH RESPECT TO PAYMENTS OF  
14 OUTSTANDING AMOUNTS OR FEES INCURRED BY A CONSUMER THROUGH FRAUDULENT OR  
15 OTHER UNLAWFUL MEANS THAT THE PROVIDER, USING REASONABLE GOOD-FAITH  
16 EFFORTS TO DETERMINE, REASONABLY BELIEVES ARE THE RESULT OF THE CUSTOMER'S  
17 CONDUCT.

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

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

23 2. REQUIRE A CONSUMER'S CREDIT SCORE THAT WAS GENERATED FROM A  
24 CREDIT REPORT PROVIDED OR ISSUED BY A CONSUMER REPORTING AGENCY TO  
25 DETERMINE A CONSUMER'S ELIGIBILITY FOR EARNED WAGE ACCESS SERVICES.

26 3. ACCEPT PAYMENT OF OUTSTANDING PROCEEDS, FEES, VOLUNTARY TIPS,  
27 GRATUITIES OR OTHER DONATIONS FROM A CONSUMER BY MEANS OF A CREDIT CARD OR  
28 CHARGE CARD.

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

32 5. COMPEL OR ATTEMPT TO COMPEL PAYMENT BY A CONSUMER OF OUTSTANDING  
33 PROCEEDS, FEES, VOLUNTARY TIPS, GRATUITIES OR OTHER DONATIONS TO THE  
34 PROVIDER THROUGH ANY OF THE FOLLOWING MEANS:

35 (a) A SUIT AGAINST THE CONSUMER IN A COURT OF COMPETENT  
36 JURISDICTION.

37 (b) USE OF OUTBOUND TELEPHONE CALLS.

38 (c) USE OF A THIRD PARTY TO PURSUE COLLECTION FROM THE CONSUMER ON  
39 THE PROVIDER'S BEHALF.

40 (d) SALE OF OUTSTANDING AMOUNTS TO A THIRD-PARTY COLLECTOR OR DEBT  
41 BUYER FOR COLLECTION FROM THE CONSUMER.

42 (e) BY ACTING AS A COLLECTION AGENCY AS DEFINED IN SECTION 32-1001.

43 6. IF THE PROVIDER SOLICITS OR RECEIVES TIPS, GRATUITIES OR OTHER  
44 DONATIONS FROM CONSUMERS, MISLEADS OR DECEIVES CONSUMERS ABOUT THE  
45 VOLUNTARY NATURE OF THE TIPS, GRATUITIES OR OTHER DONATIONS OR MAKE

1 REPRESENTATIONS THAT THE TIPS, GRATUITIES OR OTHER DONATIONS WILL BENEFIT  
2 ANY INDIVIDUAL, INCLUDING THE CONSUMER, OR ARE NECESSARY TO OFFER EARNED  
3 WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF PROCEEDS THE CONSUMER IS  
4 ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH PROCEEDS ARE PROVIDED TO  
5 THE CONSUMER.

6 7. ADVERTISE, PRINT, DISPLAY, PUBLISH, DISTRIBUTE OR BROADCAST OR  
7 CAUSE TO BE ADVERTISED, PRINTED, DISPLAYED, PUBLISHED, DISTRIBUTED OR  
8 BROADCAST, IN ANY MANNER, ANY STATEMENT OR REPRESENTATION WITH REGARD TO  
9 THE EARNED WAGE ACCESS SERVICES THAT ARE OFFERED BY THE PROVIDER THAT IS  
10 FALSE, MISLEADING OR DECEPTIVE, OR THAT OMITTS OR STATES MATERIAL  
11 INFORMATION THAT IS NECESSARY TO MAKE THE STATEMENTS NOT FALSE, MISLEADING  
12 OR DECEPTIVE.

13 8. REQUIRE THAT A CONSUMER'S SOLE MEANS OF ACCESSING MONIES BE  
14 THROUGH A PROVIDER PAYCARD, DIGITAL WALLET OR SIMILAR PAYMENT PROCESS.

15 9. CHARGE FEES FOR DELIVERY OR EXPEDITED DELIVERY OF PROCEEDS THAT  
16 EXCEED \$5 FOR ANY ADVANCE THAT IS EQUAL TO OR LESS THAN \$75 OR \$7.50 FOR  
17 ANY ADVANCE THAT IS MORE THAN \$75.

18 10. OFFER EARNED WAGE ACCESS SERVICES, INCLUDING THE AMOUNT OF  
19 PROCEEDS A CONSUMER IS ELIGIBLE TO REQUEST AND THE FREQUENCY WITH WHICH  
20 PROCEEDS ARE PROVIDED TO A CONSUMER, THAT ARE CONTINGENT ON WHETHER THE  
21 CONSUMER PAYS ANY TIP, GRATUITY OR OTHER DONATION OR ON THE SIZE OF THE  
22 TIP, GRATUITY OR OTHER DONATION.

23 C. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802  
24 MAY SOLICIT OR RECEIVE TIPS, GRATUITIES OR OTHER DONATIONS ONLY ONE TIME  
25 PER TRANSACTION AND CONFIRM THE FINAL TRANSACTION ON THE COMPLETION  
26 SCREEN.

27 D. THE LIMITS SET FORTH IN SUBSECTION B, PARAGRAPH 5 OF THIS  
28 SECTION DO NOT APPLY TO A PROVIDER THAT IS:

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

33 2. SUING AN EMPLOYER FOR THE EMPLOYER'S BREACH OF THE EMPLOYER'S  
34 CONTRACT WITH THE PROVIDER.

35 E. A PROVIDER MAY USE THE MAILING ADDRESS PROVIDED BY A CONSUMER TO  
36 DETERMINE THE CONSUMER'S STATE OF RESIDENCE FOR THE PURPOSES OF THIS  
37 CHAPTER.

38 6-1804. Interpretation; applicability

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

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

45 2. A LOAN OR OTHER FORM OF CREDIT OR DEBT.

1           3. MONEY TRANSMISSION.  
2           B. NOTWITHSTANDING ANY OTHER LAW, FEES PAID TO A LICENSEE IN  
3 ACCORDANCE WITH THIS CHAPTER ARE NOT CONSIDERED INTEREST OR FINANCE  
4 CHARGES. IF THERE IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER  
5 STATUTE, THIS CHAPTER CONTROLS.  
6           C. TITLE 32, CHAPTER 9 DOES NOT APPLY TO PROCEEDS A PROVIDER  
7 PROVIDES TO A CONSUMER IN ACCORDANCE WITH THIS CHAPTER.  
8           D. A VOLUNTARY TIP, GRATUITY OR OTHER DONATION PAID BY A CONSUMER  
9 TO A LICENSEE IN ACCORDANCE WITH THIS CHAPTER IS NOT CONSIDERED A FINANCE  
10 CHARGE UNDER STATE LAW.  
11           6-1805. Annual report; books and records  
12           A. ON OR BEFORE JULY 1 OF EACH YEAR, A PROVIDER THAT IS REQUIRED TO  
13 BE LICENSED UNDER SECTION 6-1802 SHALL SUBMIT AN ANNUAL REPORT TO THE  
14 DEPARTMENT THAT INCLUDES ALL OF THE FOLLOWING INFORMATION RELATED TO  
15 EARNED WAGE ACCESS SERVICES THAT THE PROVIDER PROVIDED IN THIS STATE  
16 DURING THE PRIOR YEAR:  
17           1. GROSS REVENUE THAT IS ATTRIBUTED TO EARNED WAGE ACCESS SERVICES.  
18           2. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED  
19 PROCEEDS TO CONSUMERS AND THE TOTAL NUMBER OF TRANSACTIONS IN WHICH:  
20           (a) THE PROVIDER RECEIVED A FEE FROM THE CONSUMER.  
21           (b) THE PROVIDER RECEIVED A VOLUNTARY TIP, GRATUITY OR OTHER  
22 DONATION FROM THE CONSUMER.  
23           (c) THE CONSUMER OBTAINED PROCEEDS AT NO COST.  
24           3. THE TOTAL NUMBER OF UNIQUE CONSUMERS TO WHOM THE PROVIDER  
25 PROVIDED PROCEEDS.  
26           4. THE TOTAL DOLLAR AMOUNT OF PROCEEDS THE PROVIDER PROVIDED TO  
27 CONSUMERS.  
28           5. THE TOTAL DOLLAR AMOUNT OF:  
29           (a) FEES THE PROVIDER RECEIVED FROM CONSUMERS.  
30           (b) VOLUNTARY TIPS, GRATUITIES OR OTHER DONATIONS THE PROVIDER  
31 RECEIVED FROM CONSUMERS.  
32           6. THE TOTAL NUMBER OF TRANSACTIONS IN WHICH THE PROVIDER PROVIDED  
33 AND THE TOTAL AMOUNT OF REIMBURSEMENTS TO A CONSUMER FOR OVERDRAFT OR  
34 NONSUFFICIENT FUND FEES THAT WERE IMPOSED ON THAT CONSUMER.  
35           7. THE TOTAL NUMBER OF CLAIMS MADE BY THE PROVIDER AGAINST A  
36 CONSUMER FOR FRAUD OR UNLAWFUL ACTS, INCLUDING THE DOLLAR AMOUNTS OF ANY  
37 CLAIM. THE DEPARTMENT MAY REQUEST FOLLOW-UP INFORMATION THAT INCLUDES:  
38           (a) INVESTIGATION DOCUMENTATION.  
39           (b) EVIDENCE THAT SUPPORTS FRAUD OR UNLAWFUL CONDUCT.  
40           (c) INFORMATION AS TO WHETHER A COURT OF COMPETENT JURISDICTION  
41 ADJUDICATED THE MATTER.  
42           B. THE DIRECTOR MAY EXTEND THE DEADLINE FOR THE ANNUAL REPORT FOR  
43 GOOD CAUSE.

1 C. THE DEPARTMENT MAY TAKE DISCIPLINARY ACTION AGAINST A PROVIDER  
2 IF THE PROVIDER FAILS TO SUBMIT A TIMELY REPORT AS REQUIRED UNDER THIS  
3 SECTION.

4 D. A PROVIDER THAT IS REQUIRED TO BE LICENSED UNDER SECTION 6-1802  
5 SHALL KEEP BOOKS AND RECORDS THAT, IN THE OPINION OF THE DEPARTMENT, WILL  
6 ENABLE THE DEPARTMENT TO DETERMINE WHETHER THE PROVIDER IS IN COMPLIANCE  
7 WITH THIS CHAPTER FOR AT LEAST FIVE YEARS.

8 6-1806. Denial of renewal or suspension or revocation of  
9 license

10 A. THE DEPARTMENT MAY DENY THE RENEWAL OF A LICENSE OR SUSPEND OR  
11 REVOKE A LICENSE IF THE DEPARTMENT FINDS THAT THE LICENSEE:

12 1. IS INSOLVENT AS DEFINED IN SECTION 47-1201.

13 2. HAS FAILED TO FILE AN ANNUAL REPORT AS REQUIRED BY SECTION  
14 6-1805 BY THE DUE DATE OR WITHIN AN EXTENDED TIME FRAME GRANTED BY THE  
15 DIRECTOR FOR GOOD CAUSE.

16 3. HAS FAILED TO HAVE OR MAINTAIN THE SURETY BOND REQUIRED BY  
17 SECTION 6-1802, SUBSECTION E.

18 4. HAS VIOLATED A RULE, ORDER OR ANY PROVISION OF THIS TITLE.

19 5. HAS FAILED TO OPERATE THE BUSINESS OF OFFERING OR PROVIDING  
20 EARNED WAGE ACCESS SERVICES IN THIS STATE FOR A CONTINUOUS PERIOD OF  
21 TWELVE MONTHS OR MORE, EXCEPT THAT THE DEPUTY DIRECTOR MAY EXTEND THE TIME  
22 FOR NOT MORE THAN TWELVE ADDITIONAL MONTHS FOR A SINGLE FIXED PERIOD ON  
23 GOOD CAUSE SHOWN.

24 B. THE DEPARTMENT MAY ALSO DENY RENEWAL OF A LICENSE OR SUSPEND OR  
25 REVOKE A LICENSE IF THE DIRECTOR FINDS THAT ANY FACT OR CONDITION EXISTS  
26 THAT, IF IT HAD EXISTED AT THE TIME OF THE ORIGINAL APPLICATION FOR THE  
27 LICENSE, WOULD HAVE CLEARLY WARRANTED THE DIRECTOR TO REFUSE TO ISSUE THE  
28 LICENSE.

29 C. A LICENSEE MAY APPEAL A DENIAL OF A RENEWAL APPLICATION OR A  
30 SUSPENSION OR REVOCATION PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

31 6-1807. Mergers and acquisition of control; approval of  
32 director

33 A PERSON LICENSED UNDER THIS CHAPTER MAY NOT MERGE WITH, ACQUIRE  
34 CONTROL OVER OR AGREE TO BE ACQUIRED BY ANOTHER ENTITY WITHOUT THE  
35 APPROVAL OF THE DIRECTOR. THIS SECTION DOES NOT PROHIBIT A LICENSEE OR  
36 OTHER PERSON FROM NEGOTIATING OR ENTERING INTO AGREEMENTS SUBJECT TO THE  
37 CONDITION THAT THE MERGER OR ACQUISITION OF CONTROL BECOMES EFFECTIVE ON  
38 APPROVAL OF THE DIRECTOR.

39 6-1808. Unlawful practice

40 FAILURE TO COMPLY WITH THIS CHAPTER IS AN UNLAWFUL PRACTICE PURSUANT  
41 TO SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE  
42 APPROPRIATE ACTION AS PRESCRIBED IN TITLE 44, CHAPTER 10, ARTICLE 7.

43 6-1809. Department; rules

44 THE DIRECTOR MAY ADOPT RULES TO IMPLEMENT THIS CHAPTER.