Effective 5/6/2026

13-42-106 Application for registration -- Required information.

An applicant shall sign an application for registration as a provider under penalty of perjury and include in the application:

(1) the applicant's name, principal business address and telephone number, and all other business addresses in this state, email addresses, and website addresses;

(2) each name under which the applicant conducts business;

(3)

(a) the address of each location in this state at which the applicant will provide debt-management services; or

(b) a statement that the applicant will not have a location where the applicant will provide debt-management services;

(4) the name and home address of each officer and director of the applicant and each person that owns at least 10% of the applicant;

(5) identification of each jurisdiction in which, during the five years immediately preceding the application:

(a) the applicant or any of the applicant's officers or directors was licensed or registered to provide debt-management services; or

(b) an individual resided when the individual received debt-management services from the applicant;

(6) a statement describing, to the extent the applicant knows or should know, any material civil or criminal judgment or litigation and any material administrative or enforcement action by a governmental agency in any jurisdiction against:

(a) the applicant;

(b) any of the applicant's officers, directors, owners, or agents; or

(c) any person that is authorized to have access to the trust account required by Section 13-42-122;

(7) the applicant's financial statements, audited by an accountant licensed to conduct audits, for each of the two years immediately preceding the application or, if the applicant has not been in operation for the two years preceding the application, for the period of the applicant's existence;

(8) evidence of accreditation by an independent accrediting organization the division approves;

(9) evidence that, no later than 12 months after initial employment, each of the applicant's counselors becomes certified as a certified counselor;

(10) a description of the three most commonly used educational programs that the applicant provides or intends to provide to individuals who reside in this state and a copy of any materials the applicant uses or will use in the educational programs;

(11) a description of the applicant's financial analysis and initial budget plan, including any form or electronic model, the applicant uses to evaluate the financial condition of individuals;

(12) a copy of each form of agreement that the applicant will use with individuals who reside in this state;

(13) the schedule of fees and charges that the applicant will use with individuals who reside in this state;

(14) at the applicant's expense, the results of a criminal records check, including fingerprints, conducted within the immediately preceding 12 months, covering every officer of the applicant and every employee or agent of the applicant who is authorized to have access to the trust account required by Section 13-42-122;

(15) the names and addresses of each employer of each director during the 10 years immediately preceding the day on which the applicant submits the application;

(16) a description of any ownership interest of at least 10% by a director, owner, or employee of the applicant in:
  (a) an affiliate of the applicant; or
  (b) an entity that provides products or services to the applicant or an individual relating to the applicant's debt-management services;
(17) a statement of the amount of compensation of the applicant's five most highly compensated employees for each of the three years immediately preceding the application or, if the applicant has not been in operation for the three years preceding the application, for the period of the applicant's existence;
(18) the identity of each director who is an affiliate, as defined in Subsection 13-42-102(1)(a) or (1)(b)(i), (ii), (iv), (v), (vi), (vii), or (viii) of the applicant; and
(19) any other information that the division reasonably requires to perform the division's duties under Section 13-42-109.

Amended by Chapter 95, 2026 General Session