

Effective 5/6/2026

13-78-103 Regulation of earned wage access services.

- (1) A provider is exempt from Title 7, Financial Institutions Act, and Title 12, Collection Agencies.
- (2) A provider shall:
 - (a) develop and implement procedures to address consumer questions and complaints;
 - (b) before entering into an agreement for earned wage access services with a consumer, clearly and conspicuously disclose:
 - (i) the consumer's rights under the agreement;
 - (ii) all fees; and
 - (iii) any voluntary tip, gratuity, or donation opportunities;
 - (c)
 - (i) obtain customer consent to changes to terms and conditions of the earned wage access services; or
 - (ii) clearly and conspicuously disclose any material changes to terms and conditions of the earned wage access services at least 30 days before the effective date of the material changes;
 - (d) allow a consumer to cancel the use of earned wage access services at any time without incurring a penalty;
 - (e) offer at least one no-fee option to receive funds and clearly and conspicuously disclose how to select the no-fee option to receive funds;
 - (f) comply with all applicable local, state, and federal privacy and information security laws;
 - (g) deliver funds through any method agreed upon by the consumer and provider;
 - (h) reimburse overdraft or non-sufficient fund fees the consumer incurs as a result of the provider's error in disclosed or actual payment amount or payment date unless the funds were acquired by a consumer through fraudulent means;
 - (i) clearly and conspicuously disclose the voluntary nature of tips, gratuities, or donations and ensure the availability or terms of the earned wage access services are not contingent upon the payment of tips, gratuities, or donations;
 - (j) provide information to a consumer on how to file a complaint with the division;
 - (k) provide the following disclosures to a consumer at the time the consumer makes a request for funds:
 - (i) the anticipated timeline the consumer will receive the requested funds;
 - (ii) the amount of funds the consumer has requested;
 - (iii) the amount of the fee charged;
 - (iv) the amount of funds the consumer will receive;
 - (v) the account that will receive the funds; and
 - (vi) the date the provider is authorized to withdraw funds from the consumer's account, including fees and voluntary payments; and
 - (l) before initiating an advance, require the customer to acknowledge receiving the opportunity to view all disclosures listed in Subsection (2)(k) and any costs and fees.
- (3) A provider may not:
 - (a) compel a consumer to repay funds by:
 - (i) using or threatening to use civil lawsuits, outbound calls, third-party collections, or debt sales;
 - (ii) reporting or threatening to report nonpayment to consumer reporting agencies; or
 - (iii) charging or threatening to charge interest, finance charges, late fees, or other penalties for nonpayment;

- (b) use a consumer's credit report or credit score as defined by 15 U.S.C. Sec. 1681 et seq., to determine eligibility for earned wage access services;
 - (c) accept payment with a credit card or charge card;
 - (d) condition receipt of funds based on fees, tips, gratuities, or donations;
 - (e) mislead a consumer about the voluntary nature of tips, gratuities, or donations;
 - (f) charge a consumer a fee, interest, or any other penalty for failure to repay outstanding proceeds, fees, tips, or gratuities;
 - (g) provide earned wage access services in this state without first registering with the division;
 - (h) represent that the division or the state endorses the provider;
 - (i) omit from a filing with the division a material statement of fact that this chapter or a rule the division makes in accordance with this chapter requires; or
 - (j) include in a filing with the division a material statement of fact that the provider or the provider's principal knows or should know is false, deceptive, inaccurate, or misleading.
- (4) Each act performed in violation of Subsection (3) is a separate violation of this chapter.
- (5) The provider may prohibit a consumer from requesting a transaction if the consumer has outstanding unpaid proceeds from a previous transaction with the provider.
- (6) A provider is not entitled to the exemption described by Subsection 13-11-22(1)(d).

Amended by Chapter 95, 2026 General Session