

EARNED WAGE ACCESS SERVICES

APPLICATION INSTRUCTIONS

Before engaging in the capacity of an earned wage access service, the entity must register with the Utah Division of Consumer Protection. Utah Code § 13-78 *et seq.*

An earned wage access service entity must notify the Division in writing within 30 days of any change in the information required by law, rule, or application, including any change of name, address, telephone number, email address, or registered agent for service of process.

DOCUMENTS TO SUBMIT WITH THE REGISTRATION FORM

- A completed fingerprint card for each of the earned wage access service's principal(s).
 - To complete the fingerprint card for the criminal background check, please go to your local police department or the Bureau of Criminal Investigation (BCI) located at 4315 South 2700 West Suite 1300, Taylorsville, UT 84129, and request to be fingerprinted. You are responsible for paying any fees associated with obtaining the fingerprint card. **Mail the completed fingerprint card to the Utah Division of Consumer Protection, 160 E. 300 S., PO Box 146704, Salt Lake City, UT 84114-6704.**
- Each individual listed as the earned wage access service's principal needs to consent to a background check.
 - For each individual listed as the earned wage access service's principal is required to pay \$25.00 at the time of application for the cost of the background check to be processed by the Division.
- A copy of the contract the earned wage access service entity will use with consumers.
- A copy of any location where one or more of the required disclosures are located (ie screenshot of website, app layout, etc).

INFORMATION REQUIRED TO BE INCLUDED WITH THE EARNED WAGE ACCESS ENTITY'S'S CONTRACT USED WITH CONSUMERS (Utah Code 13-78-103(a))

Submitting documents without the required information identified below may result in delayed processing or denial of the application.

- Where the applicant informs the consumer how to cancel the use of earned wage access services at any time without incurring a penalty.
- Where the applicant offers at least one no-fee option to receive funds and clearly and conspicuously discloses how to select the no-fee option to receive funds.
- Where the applicant clearly and conspicuously discloses the voluntary nature of tips, gratuities, or donations and ensures the availability or terms of the earned wage access services are not contingent upon the payment of tips, gratuities, or donations.
 - This is only required if the applicant accepts tips, gratuities, or donations. If the applicant discloses that they do not accept tips, gratuities, or donations during the application process this disclosure is not required.
- Where the applicant informs the consumer on how to file a complaint with the Division.
 - Example: “You may report complaints related to an earned wage access service provider to the Division of Consumer Protection, by calling toll-free at 1(800) 721-7233 or online at <https://dcp.utah.gov>.”
- Where the applicant provides the anticipated timeline that the consumer will receive the requested funds.
- Where the applicant provides the amount of funds the consumer has requested.
- Where the applicant provides the amount of the fee charged.
- Where the applicant provides the amount of funds the consumer will receive.
- Where the applicant provides the account that will receive the funds.
- Where the applicant provides the date the provider is authorized to withdraw funds from the consumer’s account, including fees, and voluntary payments.
- Where the consumer is required to acknowledge receiving the opportunity to view all disclosures listed in Utah Code § 13-78-103(2)(k) and any costs and fees prior to initiating the advance.