

## **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 FD-258 fingerprint card](#) for each of the earned wage access service provider's principal(s).
  - Do **NOT** email the fingerprint card.
  - A Principal is defined by [Utah Administrative Rules R152-78-3](#) as an individual who directly or indirectly oversees, controls, or otherwise directs the operation of a provider, or owns or controls 20% or more of the ownership interests in a provider.
  - Fingerprint Cards should be mailed to the following address(es):

#### **Standard Mail:**

Division of Consumer Protection  
State of Utah Department of Commerce  
PO Box 146704  
Salt Lake City, UT 84114-6704

#### **Fedex:**

Heber M. Wells Building  
2nd Floor  
160 East 300 South  
Salt Lake City, Utah

- Each individual listed as the earned wage access service provider'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 PROVIDER'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.