

## HOUSE BILL NO. HB0061

Banking division-nationwide licensing system.

Sponsored by: Joint Minerals, Business and Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to trade and commerce; authorizing use of a  
2 nationwide licensing system for licensing activities  
3 regulated by the division of banking under the Uniform  
4 Consumer Credit Code and the Money Transmitter Act;  
5 requiring fingerprinting and background checks including  
6 criminal history record checks for licensure; providing  
7 authority to the commissioner of the division of banking to  
8 implement nationwide licensing systems; providing  
9 conforming amendments; creating definitions; providing  
10 applicability; and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 7-19-106(a)(xxii), 7-19-201(a)(xvi),  
15 40-14-140(a) by creating new paragraphs (xxi) and (xxii)  
16 and by renumbering (xxi) as (xxiii), 40-14-142(a)(lx) and

1 (lxxiii), 40-14-604(a) by creating new paragraphs (vii) and  
2 (viii), 40-14-633, 40-14-634(h) and by creating new  
3 subsections (o) through (r), 40-22-102(a) by creating new  
4 paragraphs (xix) and (xx), 40-22-108 by creating new  
5 subsections (e) through (k), 40-22-111(a) and 40-22-129(b)  
6 are amended to read:

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8 **7-19-106. Access to, and dissemination of,**  
9 **information.**

10

11 (a) Criminal history record information shall be  
12 disseminated by criminal justice agencies in this state,  
13 whether directly or through any intermediary, only to:

14

15 (xxii) The state banking commissioner for  
16 purposes of licensing and registration pursuant to W.S.  
17 40-14-604, 40-14-634, 40-14-642, 40-22-108, 40-23-103 and  
18 40-23-125;

19

20 **7-19-201. State or national criminal history record**  
21 **information.**

22

1 (a) The following persons shall be required to submit  
2 to fingerprinting in order to obtain state and national  
3 criminal history record information:

4  
5 (xvi) Mortgage lenders, mortgage brokers,  
6 mortgage loan originators, money transmitters and persons  
7 identified in W.S. 40-23-107(b) (i), as necessary to perform  
8 the background checks required by W.S. 40-14-604(a) (vii),  
9 40-14-634(p) (i), 40-14-642(c) (i), 40-22-108(e) and (h) (i),  
10 40-23-103(a) (viii) and 40-23-125(c) (i);

11  
12 **40-14-140. General definitions.**

13  
14 (a) In addition to definitions appearing in  
15 subsequent articles, in this act:

16  
17 (xxi) "Channeling agent" means the third party  
18 licensing system that gathers the application information  
19 and distributes it to Wyoming for review for the approval  
20 or denial decision;

21  
22 (xxii) "Registry" means the nationwide licensing  
23 system and registry maintained by the State Regulatory  
24 Registry, LLC.;

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2           ~~(xxi)~~ (xxiii) "This act" means W.S. 40-14-101  
3 through 40-14-702.

4

5           **40-14-142. Index of definitions.**

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7           (a) Definitions in this act and the sections in which  
8 they appear are:

9

10           (lx) "Channeling agent" - W.S. ~~40-14-640(a)(i)~~  
11 40-14-140(a)(xxi);

12

13           (lxxiii) "Registry" - W.S. ~~40-14-640(a)(xiii)~~  
14 40-14-140(a)(xxii);

15

16           **40-14-604. Powers of administrator; harmony with**  
17 **federal regulations; reliance on rules; duty to report and**  
18 **cooperate.**

19

20           (a) In addition to other powers granted by this act,  
21 the administrator within the limitations provided by law  
22 may:

23

1           (vii) Require a licensee under this act or an  
2 applicant for a license issued under this act to submit to  
3 a background investigation including fingerprint checks for  
4 state, national and international criminal history record  
5 checks as necessary. While exercising his authority under  
6 this paragraph, the administrator may utilize background  
7 checks completed by the division of criminal investigation,  
8 other government agencies in this state or in other states,  
9 the federal bureau of investigation, the registry or  
10 another entity designated by the registry;

11  
12           (viii) Determine the content of application  
13 forms and the means by which an applicant applies for,  
14 renews or amends a license under this act. The  
15 administrator may allow applicants to utilize the registry  
16 or an entity designated by the registry for the processing  
17 of applications and fees.

18  
19           **40-14-633. Crediting of monies.**

20  
21 All fees and other monies received by the administrator  
22 under the provisions of this act shall be deposited by the  
23 administrator with the state treasurer and credited to the  
24 consumer credit administration account, except the amount

1 paid for data processing by ~~a national mortgage licensing~~  
2 ~~system and database~~ the registry or any other entity  
3 designated by the registry. The funds deposited in the  
4 account under this act shall be subject to appropriation by  
5 the legislature to the administrator and shall be expended  
6 only to carry out the duties of the administrator.  
7 Expenditures shall be made from the account by warrants  
8 drawn by the state auditor, upon vouchers issued and signed  
9 by the administrator.

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11 **40-14-634. License required; application; fee;**  
12 **conditions and execution; license nontransferable; display;**  
13 **renewal.**

14

15 (h) Each license issued under this act shall expire  
16 on ~~July 1~~ December 31. The license shall be renewed  
17 annually not less than thirty (30) days before the stated  
18 expiration date. The renewal fee for each license shall  
19 not exceed five hundred dollars (\$500.00), as set by rule  
20 of the administrator.

21

22 (o) In order to fulfill the purposes of this act, the  
23 administrator may establish relationships or contract with  
24 the registry or any other entity designated by the registry

1 to collect and maintain records and process transaction  
2 fees or other fees related to licensees or other persons  
3 subject to this act.

4  
5 (p) In addition to the other requirements of this  
6 section, in connection with an application for licensing,  
7 the applicant shall, at a minimum, furnish to the  
8 administrator or the registry information concerning the  
9 identity of the applicant, the owners or persons in charge  
10 of the applicant and individuals designated in charge of  
11 the applicant's places of business, including:

12  
13 (i) Fingerprints for submission to the federal  
14 bureau of investigation, and any governmental agency or  
15 entity authorized to receive such information for a state,  
16 national and international criminal history background  
17 check; and

18  
19 (ii) Personal history and experience, including  
20 the submission of authorization for the registry or the  
21 administrator to obtain:

22

1           (A) An independent credit report obtained  
2 from a consumer reporting agency described in section  
3 603(p) of the federal Fair Credit Reporting Act; and

4  
5           (B) Information related to any  
6 administrative, civil or criminal findings by any  
7 governmental jurisdiction.

8  
9           (q) For the purposes of this section and in order to  
10 reduce the points of contact which the federal bureau of  
11 investigation may have to maintain for purposes of  
12 paragraph (p)(i) of this section and subparagraph  
13 (p)(ii)(B) of this section, the administrator may use the  
14 registry as a channeling agent for requesting information  
15 from and distributing information to the department of  
16 justice or any governmental agency.

17  
18           (r) For the purposes of this section and in order to  
19 reduce the points of contact which the administrator may  
20 have to maintain for purposes of paragraph (p)(ii) of this  
21 section, the administrator may use the registry as a  
22 channeling agent for requesting and distributing  
23 information to and from any source as directed by the  
24 administrator.

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**40-22-102. Definitions.**

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(a) As used in this act:

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(xix) "Channeling agent" means the third party licensing system that gathers the application information and distributes it to Wyoming for review for the approval or denial decision;

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(xx) "Registry" means the nationwide licensing system and registry maintained by the State Regulatory Registry, LLC.

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**40-22-108. Application for license.**

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(e) The commissioner may require a licensee under this act or an applicant for a license issued under this act to submit to a background investigation including fingerprint checks for state, national and international criminal history record checks as necessary. While exercising his authority under this subsection, the commissioner may utilize background checks completed by the division of criminal investigation, other government

1 agencies in this state or in other states, the federal  
2 bureau of investigation or the registry or any other entity  
3 designated by the registry.

4  
5 (f) The commissioner may determine the content of  
6 application forms and the means by which an applicant  
7 applies for, renews or amends a license under this act.  
8 The administrator may allow applicants to utilize the  
9 registry or an entity designated by the registry for the  
10 processing of applications and fees.

11  
12 (g) In order to fulfill the purposes of this act, the  
13 administrator may establish relationships or contract with  
14 the registry or any other entity designated by the registry  
15 to collect and maintain records and process transaction  
16 fees or other fees related to licensees or other persons  
17 subject to this act.

18  
19 (h) In connection with an application for licensing  
20 the applicant shall, at a minimum, furnish the commissioner  
21 or the registry information concerning the identity of the  
22 applicant, the owners or persons in charge of the applicant  
23 and individuals designated in charge of the applicant's  
24 places of business, including:

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(i) Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national and international criminal history background check; and

(ii) Personal history and experience, including the submission of authorization for the registry or the administrator to obtain:

(A) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the federal Fair Credit Reporting Act; and

(B) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(j) For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of paragraph (h) (i) of this section and subparagraph (h) (ii) (B) of this section, the administrator may use the

1 registry as a channeling agent for requesting information  
2 from and distributing information to the department of  
3 justice or any governmental agency.

4  
5 (k) For the purposes of this section and in order to  
6 reduce the points of contact which the administrator may  
7 have to maintain for purposes of paragraph (h)(ii) of this  
8 section, the administrator may use the registry as a  
9 channeling agent for requesting and distributing  
10 information to and from any source as directed by the  
11 administrator.

12  
13 **40-22-111. Renewal of license and annual report.**

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15 (a) ~~Every year on October 1~~ Each license issued under  
16 this act shall expire on December 31. The license shall be  
17 renewed annually not later than December 1. Each licensee  
18 shall pay an annual renewal fee not to exceed two thousand  
19 dollars (\$2,000.00), plus not more than one hundred dollars  
20 (\$100.00) for each authorized delegate not to exceed seven  
21 thousand dollars (\$7,000.00), as set by rule of the  
22 commissioner.

23  
24 **40-22-129. Rulemaking and deposit of fees.**

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2 (b) All application, renewal, examination and  
3 licensing fees, except the amount paid for data processing  
4 by the registry or any other entity designated by the  
5 registry, shall be deposited by the commissioner with the  
6 state treasurer into the financial institutions  
7 administration account.

8

9 **Section 2.** W.S. 40-14-640(a)(i) and (xiii) is  
10 repealed.

11

12 **Section 3.** This act shall apply to new licenses  
13 issued by the division of banking under the Uniform  
14 Consumer Credit Code and the Money Transmitter Act on or  
15 after July 1, 2013. The provisions of law existing prior to  
16 amendment by this act shall apply to renewal of licenses  
17 issued by the division of banking under the Uniform  
18 Consumer Credit Code and the Money Transmitter Act prior to  
19 July 1, 2013.

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21 **Section 4.** This act is effective July 1, 2013.

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(END)