

ORIGINAL HOUSE  
BILL NO. 0061

ENROLLED ACT NO. 9, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

**Section 1.** W.S. 7-19-106(a)(xxii), 7-19-201(a)(xvi), 40-14-140(a) by creating new paragraphs (xxi) and (xxii) and by renumbering (xxi) as (xxiii), 40-14-142(a)(lx) and (lxxiii), 40-14-604(a) by creating new paragraphs (vii) and (viii), 40-14-633, 40-14-634(h) and by creating new subsections (o) through (r), 40-22-102(a) by creating new paragraphs (xix) and (xx), 40-22-108 by creating new subsections (e) through (k), 40-22-111(a) and 40-22-129(b) are amended to read:

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

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

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

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

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

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

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

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

(xxi) "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;

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

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

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

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

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

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

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

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

(vii) 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 paragraph, the administrator may utilize background checks completed by the division of criminal investigation, other government agencies in this state or in other states, the federal bureau of investigation, the registry or another entity designated by the registry;

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

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

All fees and other monies received by the administrator under the provisions of this act shall be deposited by the

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administrator with the state treasurer and credited to the consumer credit administration account, except the amount paid for data processing by ~~a national mortgage licensing system and database~~ the registry or any other entity designated by the registry. The funds deposited in the account under this act shall be subject to appropriation by the legislature to the administrator and shall be expended only to carry out the duties of the administrator. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the administrator.

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

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

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

(p) In addition to the other requirements of this section, in connection with an application for licensing, the applicant shall, at a minimum, furnish to the administrator or the registry information concerning the identity of the applicant, the owners or persons in charge

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of the applicant and individuals designated in charge of the applicant's places of business, including:

(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.

(g) 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 (p)(i) of this section and subparagraph (p)(ii)(B) of this section, the administrator may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(r) For the purposes of this section and in order to reduce the points of contact which the administrator may have to maintain for purposes of paragraph (p)(ii) of this section, the administrator may use the registry as a channeling agent for requesting and distributing

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information to and from any source as directed by the administrator.

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

(a) As used in this act:

(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;

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

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

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

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

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

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

(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

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paragraph (h)(i) of this section and subparagraph (h)(ii)(B) of this section, the administrator may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

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

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

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

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

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

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



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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk