SENATE FILE NO. SF0117

Nationwide multistate licensing system-collection agencies.

Sponsored by: Senator(s) Rothfuss and Anderson and Representative(s) Byrd, Henderson, Kinner and Zwonitzer

A BILL

for

AN ACT relating to collection agencies; authorizing the collection agency board to utilize the nationwide multistate licensing system and registry as specified; authorizing the dissemination of criminal history record information to the board for purposes of licensing; authorizing the board to require background checks for purposes of licensing; providing application requirements; amending provisions related to license expiration and renewal; amending provisions related to disposition of fees; providing for extensions of licenses as specified; providing applicability; and providing for an effective date.

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

Section 1. W.S. 7-9-106(a) by creating a new paragraph (xxvii), 33-11-101(a) by creating new paragraphs (xiii) and (xiv) and by renumbering paragraph (xiii) as (xv), 33-11-105 by creating new subsections (c) and (d), 33-11-107 by creating new subsections (e) through (h), 33-11-110(b), 33-11-111 and 33-11-113 by creating a new subsection (c) 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:

(xxvii) The collection agency board for purposes of licensing under Wyoming statutes title 33, chapter 11.

33-11-101. Definitions.

(a) As used in this act:

(xiii) "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;

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

~~(xiii)~~ (xv) "This act" means W.S. 33-11-101 through 33-11-116.

33-11-105. Powers and duties of collection agency board.

(c) In addition to other powers granted by this act, the board may:

(i) 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. In exercising its authority under this paragraph, the board 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;

(ii) Determine the content of application forms and the means by which an applicant applies for, renews or amends a license under this act.

(d) The board shall require applicants to utilize the registry or an entity designated by the registry for the processing of applications and fees.

33-11-107. Application for license; qualifications; financial statement; records and fees; use of the registry.

(e) To fulfill the purposes of this act, the board 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.

(f) In addition to the other requirements of this section, in connection with an application for licensure the applicant may be required, at a minimum, to furnish to the board 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 or 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 board 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

<u>(B) Information related to any administrative, civil or criminal findings by any governmental jurisdction.</u>

<u>(g) For the purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain for purposes of paragraph (f) of this section, the board may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.</u>

<u>(h) For the purposes of this section and to reduce the points of contact that the board may have to maintain for purposes of paragraph (f) of this section, the board may use the registry as a channeling agent for requesting and distributing information to and from any source as directed by the board.</u>

33-11-110. License expiration and renewal; fees; license nontransferable; display.

(b) Each collection agency license ~~expires one (1) year from the date of issuance~~ shall expire on December 31 of each year. The licensee shall submit all required renewal application information not later than December 1 of each year. A collection agency license is not transferable. Each collection agency license shall be displayed in a conspicuous place in licensee's place of business.

33-11-111. Disposition of fees.

All fees and money received and collected by the board, except the amount paid for data processing by the registry or any other entity designated by the registry, shall be deposited with the state treasurer, who shall credit the money to a separate account. All monies paid into the state treasury and credited to the account are appropriated to the use of the collection agency board for the payment of all necessary expenses incurred in administering this act, including the payment of per diem, salary and mileage to members of the board.

33-11-113. Records of license and bond actions; confidentiality.

(c) To promote more effective regulation and reduce regulatory burden through supervisory information sharing, the board or board's designee may furnish information to or receive information from the registry for the purpose of regulation of the debt collection industry. Information furnished by the board to any third party which is confidential or privileged in the board's possession remains confidential or privileged in the possession of the third party. Information received by the board from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the board's possession.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

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