

## CHAPTER 1

### ORGANIZATION, LICENSING, RECORDS, INSURANCE REFUNDS

#### Section 1. Authority.

(a) Generally, these Rules and Regulations (herein after referred to as the "Rules") are promulgated pursuant to W.S. 16-3-102(a)(i). Some Chapters are also promulgated pursuant to other, more specific statutory authority, as specified in such Chapter.

(b) The Administrator may employ a Deputy Administrator. If the Office of the Administrator is vacant or if the Administrator is absent or unable to act, the Deputy Administrator shall be the Acting Administrator.

#### Section 2. Definitions.

(a) For the purposes of the Code and these Rules, Chapters 1 through 4, the following definitions apply:

(i) "Actuarial method" means the allocating of payments made on a debt between principal and loan finance charge or credit service charge pursuant to which:

(A) With respect to transactions other than precomputed, payment is applied first to the accumulated loan finance charge or credit service charge and the balance is applied to the unpaid principal.

(B) With respect to precomputed transactions entered into on or after May 25, 1979, and payable according to their original terms in more than sixty-one (61) monthly installments, the unearned portion of the loan finance charge or credit service charge is, at the option of the creditor, either:

(l) That portion which is applicable to all fully unexpired computational periods as originally scheduled, or if deferred, as deferred, which follow the date of prepayment. For this purpose the applicable charge is the total of that which would have been made for each such period, had the consumer loan or consumer credit sale not been precomputed, by applying to unpaid balances of principal the annual percentage rate previously stated to the debtor pursuant to the provisions of the Code on disclosure based on the assumption that all payments were made as originally scheduled, or if deferred, as deferred. The creditor, at his option, may round the annual percentage rate to the nearest

one quarter of one percent (.25%) if such procedure is not consistently used to obtain greater yield than would otherwise be permitted; or

(II) The total loan finance charge or credit service charge minus the earned loan finance charge or credit service charge. The earned loan finance charge or credit service charge shall be determined by applying the annual percentage rate previously stated to the debtor pursuant to the provisions of the Code on disclosure to the actual unpaid balances for the actual time the balances were unpaid up to the date of prepayment. If a delinquency or deferral charge was collected, it shall be treated as a payment.

(C) The option referred to in paragraph (i)(B)(I) above must be taken and disclosed to the debtor at the time the transaction is entered into. If disclosure is not clearly given as to the option to be used, the creditor will be deemed to have chosen that option discussed in paragraph (i)(B)(II) above.

(ii) "Administrator" means the State Banking Commissioner of the state of Wyoming.

(iii) "Code" refers to the Wyoming Uniform Consumer Credit Code Act as cited in W.S. 40-14-101 *et seq.*

(iv) "Consumer" means a cardholder or a natural person to whom consumer credit is offered or extended. Unless the context indicates otherwise, credit shall be construed to mean "consumer credit," loan to mean "consumer loan," lease to mean "consumer lease," and transaction to mean "consumer credit transaction."

(v) "Division" means the Department of Audit, Division of Banking.

(vi) "Lessee" means a natural person who leases under, or who is offered, a consumer lease.

(vii) "Lessor" means a person who in the ordinary course of business regularly leases, offers to lease or arranges for the leasing of personal property under a consumer lease.

(viii) "Month." For purposes of W.S. 40-14-363, a month shall be one (1) calendar month. The period shall expire on the same date in the succeeding month if there is such a date, otherwise on the last day of the succeeding month.

(ix) "Multiple of the federal minimum wage." For purposes of the limitation on garnishment, the multiple of the federal minimum hourly wage for pay periods other than a week shall be determined as follows:

(A) Where the employee is paid by the day, the multiple shall be six (6), for two (2) days the multiple shall be twelve (12), for three (3) days the multiple shall be eighteen (18), and for four (4) days the multiple shall be twenty-four (24) or six (6) times the number of days;

(B) Where the employee is paid either every two (2) weeks or semi-monthly, then the multiple shall be two and one-sixth ( $2 \frac{1}{6}$ ) x thirty (30) x current federal minimum wage;

(C) Where the employee is paid monthly, then the calendar month shall be considered to consist of four and one-third ( $4 \frac{1}{3}$ ) work weeks and the formula shall be four and one-third ( $4 \frac{1}{3}$ ) x thirty (30) x current federal minimum wage; or

(D) Where the employee is paid once every two months, then the multiple shall be eight and two-thirds ( $8 \frac{2}{3}$ ) x thirty (30) x current federal minimum wage.

### **Section 3. Computation of Time.**

Unless otherwise stated, in computing any time period prescribed by these Rules, the day of the act or event from which the time period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period is less than eleven (11) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation.

### **Section 4. Application/Licensing.**

(a) An application to obtain a license shall be filed with the Administrator through the registry. This includes supervised lenders, pawnbrokers, post-dated check cashers and sales finance companies. An application shall be considered "filed" only after all information and appropriate processing fees required by the Administrator have been received from the applicant.

(b) Each applicant shall provide all of the information prescribed by the Administrator, as applicable.

(c) Pursuant to W.S. 40-14-634 (c), each filed application for one (1) or more licenses shall be accompanied by:

(i) A three hundred dollar (\$300.00) processing fee for the first license (principal license) for each license type; and

(ii) An additional processing fee of one hundred fifty dollars (\$150.00) for each additional license (branch license) for each license type.

(d) Pursuant to W.S. 40-14-634(d), a fifty dollar (\$50.00) initial license fee shall be paid for each license obtained.

(e) It is understood and agreed to that an application is a continuing obligation up until approval and issuing of the license applied for. If information in an application becomes inaccurate after filing, the applicant shall promptly notify the Administrator.

#### **Section 5. Change of Ownership.**

(a) "Change of ownership" means:

(i) A transfer of all or substantially all of the assets of the business conducted at any license location;

(ii) In all cases other than individuals, a transfer that results in one (1) or more persons owning or controlling greater than fifty percent (50%) of the controlling interests of the licensee, unless such person(s) owned or controlled greater than fifty percent (50%) of such controlling interests as of the date of the most recent filed application; or

(iii) Any change which will result by operation of law in a new type of business entity, in the licensee's dissolution, disassociation or reformation, such as the change in partners in a general partnership.

(b) "Effective ownership interest" means any person who is entitled or permitted, directly or indirectly, to share in at least twenty-five percent (25%) of the ownership interests of an entity, or to vote for or against a manager.

(c) For purposes of this section, "manager" means:

(i) For corporations, the board of directors or, if the corporation has elected not to have a board of directors, the holders of the capital stock of the corporation;

(ii) For limited partnerships, general partnerships or joint ventures, the general partners or joint adventurers; or

(iii) For limited liability companies, statutory or other trusts, and any other business organization, the persons in whom the management of the company, trust, or organization is vested.

(d) "Transfer" means to change in any manner legal or equitable claims of

ownership or any rights or obligations relating to any such claim, whether by act or inaction, whether directly or indirectly, whether intentional or not. But "transfer" does not include the granting or imposition of a lien, whether on an ownership interest or any of the assets of the licensee, but does include the foreclosure of any rights of redemption as to any such lien.

(e) Change of effective ownership interest. Within thirty (30) days after a change of any effective ownership interest of a licensee and not a change of ownership under subsection (f) of this Section, the licensee shall provide written notice of the change of effective ownership interest to the Administrator. The Administrator may require the licensee to provide additional information or apply for a new license in the manner prescribed under this section.

(f) Change of ownership. A licensee shall notify the administrator in writing at least sixty (60) days prior to the effective date of a change of ownership. The new owners shall apply for a new license in the manner prescribed under this Section.

#### **Section 6. Modification.**

Pursuant to W.S. 40-14-634(g)(ii), a license modification fee of fifty dollars (\$50.00) shall be assessed to any licensee who wishes to move his office to another location.

#### **Section 7. Annual Renewal.**

Pursuant to W.S. 40-14-634(h), the annual license renewal fee shall be fifty dollars (\$50.00) plus any fees assessed by the registry.

#### **Section 8. Records.**

If any book, log, journal, document, record or information relevant and necessary to the examination or investigation is kept or maintained electronically, the business examined or investigated shall provide such data or access to data in an electronic format when requested by the Administrator.

#### **Section 9. Insurance Refunds.**

(a) If insurance terminates prior to the end of the term for which it was written because of prepayment in full of the consumer credit transaction,

(i) And if the contract is held by the original creditor he shall make a prompt refund of unearned premium directly to the debtor, or

(ii) If the contract has been assigned, the assignee shall make a prompt refund of the unearned premium directly to the debtor, or send a notice in substantially the following form to the original creditor via U.S. mail with a copy to the consumer and retain a copy in its files:

Date .....

Dear .....

The account of your customer.....(consumer & address).....was paid in full on .....(date).....

Under Wyoming law the consumer is entitled to a refund of unearned credit insurance premiums. You must obtain a prompt refund from the insurer or make the refund yourself.

Signed .....  
(Assignee)

**Notice to Consumer**

If you have difficulty obtaining the refund to which you are entitled contact:

Administrator  
Wyoming Division of Banking - Uniform Consumer Credit Code  
122 West 25<sup>th</sup> Street, 3<sup>rd</sup> Floor West  
Cheyenne, Wyoming 82002

Phone: 307-777-7797

**CHAPTER 2**

**DISCLOSURE AND ADVERTISING**

**REPEALED**

## CHAPTER 3

### WYOMING CONSUMER RENTAL-PURCHASE AGREEMENT ACT

#### Section 1. Authority.

The Rules governing the Wyoming Consumer Rental-Purchase Agreement Act are adopted pursuant to W.S. 40-19-118(b).

#### Section 2. Definitions.

(a) As used in this Chapter and the Wyoming Consumer Rental-Purchase Agreement Act:

(i) All of the definitions set forth in W.S. 40-19-102 are incorporated herein by reference.

(ii) "Financial statement" means any report summarizing the financial condition or financial results of an applicant on any date or for any period. Financial statements include the balance sheet and the income statement.

(iii) "Initial period" means from the date of inception to the first scheduled payment.

(iv) "Monthly" means each calendar month. Monthly payments shall expire on the same date in the succeeding month if there is such a date, otherwise on the last day of the succeeding month. If the payment due date is not a business day, the periodic payment shall expire on the next business day.

(v) "Regularly provides" means providing the use of property under rental-purchase agreements, but only if the merchant made more than twenty-five (25) such agreements in the preceding calendar year. If a merchant did not meet these numerical standards in the preceding calendar year, the numerical standards shall be applied to the current calendar year.

(vi) "Weekly" means every seven (7) consecutive calendar days. Weekly payments shall expire on the same day in the succeeding week. If the payment due date is not a business day, the periodic payment shall expire on the next business day.



### **Section 3. License Required.**

(a) Any merchant who regularly provides the use of property under rental-purchase agreements shall apply for a license to conduct business as a rental-purchase merchant at the location where the merchandise is displayed or offered under a rental-purchase agreement, whether or not that location is owned by the merchant. Each applicant shall provide all of the information required on the license application form prescribed by the Administrator, as applicable.

(b) The completed application shall be accompanied by a processing fee of three hundred dollars (\$300.00), made payable to the Department of Audit.

### **Section 4. Licensing Standards, Fees.**

(a) A license to engage in the business as a rental-purchase merchant will be issued to an applicant if the Administrator, upon investigation and evaluation of the completed application and all other relevant information, determines that all of the requirements of W.S. 40-19-114 have been met.

(b) The Administrator may deny an application to engage in the business as a rental-purchase merchant if the Administrator, upon investigation and evaluation of the completed application and all other relevant information, determines that:

(i) The applicant has not satisfied the requirements of W.S. 40-19-114;

(ii) The applicant has violated any provision of W.S. 40-19-101 through 40-19-120;

(iii) The applicant has violated any state or federal law applicable to the conduct of the business of a rental-purchase merchant including, but not limited to, any rule, regulation or administrative order or directive promulgated thereunder;

(iv) The applicant has conducted, or from the information provided it appears to the Administrator that the applicant will conduct, its business in an unsafe and unsound manner; or

(v) The applicant has engaged in conduct which has resulted in the suspension or revocation of its license to engage in the business as a rental-purchase merchant by the licensing authority of any other state.

(c) An applicant whose application has been denied under subsection (b) may request a contested case hearing under Chapter 4 of these Rules.

(d) Each office or place of business shall be licensed separately and a fifty dollar (\$50.00) license fee shall be paid for each license initially required, made payable to the Department of Audit.

**Section 5. Modification.**

(a) Pursuant to W.S. 40-19-114(h)(ii), if the merchant wishes to move to another location, the merchant shall:

(i) Give at least thirty (30) days written notice to the Administrator;  
and,

(ii) Pay a license modification fee of fifty dollars (\$50.00) for each license required to be modified, made payable to the Department of Audit.

**Section 6. Annual Renewal.**

As required by W.S. 40-19-114(j), merchants licensed under the Wyoming Consumer Rental-Purchase Agreement Act shall pay an annual license renewal fee of fifty dollars (\$50.00) per license location, made payable to the Department of Audit.

**Section 7. Additional Charges.**

(a) In addition to rental payments, a merchant may contract for and receive the following additional charges in connection with a rental-purchase agreement:

(i) A reinstatement fee pursuant to W.S. 40-19-108(a)(xi). The reinstatement fee may not exceed the greater of 5% of the delinquent payment or two dollars (\$2.00). Only one reinstatement fee may be assessed and collected on any delinquent payment, regardless of how long the payment remains unpaid;

(ii) An optional pickup fee not to exceed twenty dollars (\$20.00) for three (3) or fewer items or forty dollars (\$40.00) for four (4) or more items that are actually picked up;

(iii) An optional redelivery fee not to exceed twenty dollars (\$20.00) for three (3) or fewer items or forty dollars (\$40.00) for four (4) or more items that are actually redelivered;

(iv) A liability damage waiver fee may be contracted for and received pursuant to W.S. 40-19-111(a).

**Section 8. Notice of Default and Right to Cure.**

A notice in substantially the following form complies with the requirement in W.S. 40-19-109(b):

(Name, address and telephone number of merchant)  
(Account number, if any)  
(Brief description of transaction)  
(Date) is LAST DATE FOR PAYMENT  
(Amount) is the AMOUNT DUE NOW

You have failed to renew your rental agreement(s). If you pay the AMOUNT DUE NOW (above) by the LAST DATE FOR PAYMENT (above), you may continue with the contract as though you had renewed on time. If you do not pay by that date, we may exercise our rights under the law. You may be required to pay reasonable costs authorized by law.

PLEASE NOTE: As of the LAST DATE FOR PAYMENT (above) you will owe the following additional payments:

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(date due)

(amount)

In order to cure your account fully, the payment or payments listed above must also be paid in full on or before the LAST DATE FOR PAYMENT. If you have questions, promptly write or telephone (name of merchant).

## CHAPTER 5

### LOAN ORIGINATOR LICENSING; FEES; INFORMATION CHALLENGE

#### Section 1. Application/Licensing.

(a) Each mortgage loan originator applicant shall provide all of the information required on the license application form prescribed by the Administrator, as applicable.

(b) An application to obtain a mortgage loan originator license pursuant to W.S. 40-14-642 shall be considered "filed" only after all information and appropriate processing fees required have been received by the Administrator.

(c) An application for a license is a continuing obligation up until approval and issuing of the license applied for. If information in an application becomes inaccurate after filing, the applicant shall promptly notify the Administrator.

(d) A mortgage loan originator license is only active if the mortgage loan originator is sponsored by a company engaged in business under the Code and registered with the registry. A mortgage loan originator can only be sponsored by and conduct business as a mortgage loan originator for only one company at any time.

#### Section 2. Application Fee.

Pursuant to W.S. 40-14-642(f), each application for a mortgage loan originator license shall be accompanied by a one hundred and twenty dollar (\$120.00) application fee plus any fees assessed by the registry.

#### Section 3. License Renewal Fee; Reinstatement; Continuing Education.

(a) Pursuant to W.S. 40-14-646(a)(iii), the mortgage loan originator license renewal fee shall be one hundred and twenty dollars (\$120.00) plus any fees assessed by the registry.

(b) Pursuant to W.S. 40-14-646(b) and W.S. 40-14-647(h), if any licensed mortgage loan originator fails to satisfy the requirements for renewal of their license by December 1, that license shall expire on December 31. The mortgage loan originator shall have until March 1 of the year immediately following the year the license expired to satisfy all of the renewal requirements under W.S. 40-14-646(a)(i), (ii) and (iii) and reinstate the license. Business as a mortgage loan originator may not be conducted after December 31 until such time as all of the renewal requirements have been satisfied and the license has been reinstated to active status on the registry. Failure to complete all of the renewal requirements by March 1 will result in final expiration of the license.

#### Section 4. Information Challenge on Report to the Registry.

(a) Upon written request, an individual is entitled to a hearing to challenge any information relating to that individual entered onto the registry by the Administrator if the individual has previously provided a written challenge to the Administrator regarding such information and the Administrator has provided a written response that the information being challenged will not be removed from the registry.

(b) Notwithstanding any provision under the Wyoming Administrative Procedure Act, a request for hearing shall not be made more than fifteen (15) days after the individual has received notification by certified mail that information being challenged will not be removed from the registry by the Administrator and the supporting reasons for that decision.

#### **Section 5. Surety Bond.**

(a) Pursuant to W.S. 40-14-637, any organization employing or contracting with a mortgage loan originator shall obtain an initial surety bond in the amount of twenty five thousand dollars (\$25,000.00). Annually thereafter and prior to January 31 of each year, the bond amount shall be adjusted based upon the total volume of residential mortgage loan business under the Code conducted by mortgage loan originators during the previous calendar year according to the following scale:

(i) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or less than three million dollars (\$3,000,000.00), the amount of the bond shall be twenty-five thousand dollars (\$25,000.00).

(ii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was greater than three million dollars (\$3,000,000.00) but less than ten million dollars (\$10,000,000.00) the amount of the bond shall be fifty thousand dollars (\$50,000.00).

(iii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or greater than ten million dollars (\$10,000,000.00) the amount of the bond shall be one hundred thousand dollars (\$100,000.00).