

## HOUSE BILL NO. HB0231

Post-dated checks.

Sponsored by: Representative(s) Zwonitzer, Dn., Pedersen  
and Throne

A BILL

for

1 AN ACT relating to the uniform consumer credit code;  
2 providing for notification of pay-day check cashing laws;  
3 providing for a limit on amount financed; modifying  
4 interest charges and maximum term; providing a penalty for  
5 a post-dated check cashier who violates this act as  
6 specified; allowing for suspension of a post-dated check  
7 cashier's license; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 40-14-365 and 40-14-366 are created  
12 to read:

13

14 **40-14-365. Penalties.**

15

16 (a) A post-dated check cashier is guilty of a

1 misdemeanor punishable by a fine of not more than seven  
2 hundred fifty dollars (\$750.00) if he knowingly violates  
3 W.S. 40-14-363(a) by loaning a post-dated check borrower  
4 any funds which exceed four hundred dollars (\$400.00) in  
5 outstanding post-dated check or similar arrangement loans  
6 to that borrower.

7

8 (b) A post-dated check casher is guilty of a  
9 misdemeanor punishable by a fine of not more than seven  
10 hundred fifty dollars (\$750.00) if he knowingly violates  
11 W.S. 40-14-364 by accepting payment, refinancing or  
12 consolidating a post-dated check or similar arrangement  
13 from the proceeds of another post-dated check or similar  
14 arrangement. A post-dated check casher who violates this  
15 subsection shall have his license suspended or revoked by  
16 the administrator. A license suspension pursuant to this  
17 subsection shall not exceed twelve (12) months.

18

19 (c) A post-dated check casher is guilty of a  
20 misdemeanor punishable by a fine of not more than two  
21 hundred fifty dollars (\$250.00) if he fails to obtain the  
22 signed written notice required under W.S. 40-14-366 before  
23 issuing a post-dated check loan.

24

1           **40-14-366. Notification.**

2

3           (a) A post-dated check casher shall provide the  
4 following written notice with each post-dated check or  
5 similar arrangement and obtain the signature of the  
6 consumer where indicated:

7

8

NOTICE

9

10           1. STATE LAW PROVIDES THAT YOU SHALL NOT BE ELIGIBLE  
11 TO RECEIVE A LOAN FROM POST-DATED CHECKS OR SIMILAR  
12 ARRANGEMENTS IF YOUR CURRENT BALANCE OF LOANS FROM POST-  
13 DATED CHECKS OR SIMILAR ARRANGEMENTS EXCEEDS FOUR HUNDRED  
14 DOLLARS (\$400.00). FAILURE TO OBEY THIS LAW COULD CREATE  
15 SEVERE FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

16

17           2. STATE LAW PROHIBITS A POST-DATED CHECK CASHER FROM  
18 KNOWINGLY LOANING A POST-DATED CHECK BORROWER ANY FUNDS  
19 WHICH EXCEED FOUR HUNDRED DOLLARS (\$400.00) IN OUTSTANDING  
20 POST-DATED CHECK OR SIMILAR ARRANGEMENT LOANS TO THAT  
21 BORROWER.

22

23           3. STATE LAW REQUIRES THAT A POST-DATED CHECK CASHER  
24 OBTAINS THE SIGNATURE OF A PROSPECTIVE POST-DATED CHECK

1 BORROWER ACKNOWLEDGING THAT THE PROSPECTIVE POST-DATED  
 2 CHECK BORROWER DOES NOT HAVE MORE THAN FOUR HUNDRED DOLLARS  
 3 (\$400.00) IN OUTSTANDING LOANS FROM POST-DATED CHECKS OR  
 4 SIMILAR ARRANGEMENTS.

5

6 YOU MUST SIGN THE FOLLOWING STATEMENT:

7

8 I DO NOT HAVE OUTSTANDING LOANS FROM POST-DATED CHECKS  
 9 OR SIMILAR ARRANGEMENTS IN EXCESS OF FOUR HUNDRED DOLLARS  
 10 (\$400.00). IN ADDITION, THE LOAN I AM ABOUT TO RECEIVE  
 11 WILL NOT RESULT IN MY OUTSTANDING POST-DATED CHECK OR  
 12 SIMILAR LOAN BALANCE EXCEEDING FOUR HUNDRED DOLLARS  
 13 (\$400.00).

14

15 (SIGNATURE OF DRAWER)

16

17 4. STATE LAW PROHIBITS A POST-DATED CHECK OR SIMILAR  
 18 ARRANGEMENT FROM BEING REPAYED, REFINANCED OR OTHERWISE  
 19 CONSOLIDATED BY PROCEEDS OF ANOTHER POST-DATED CHECK OR  
 20 SIMILAR ARRANGEMENT ACCEPTED BY THE SAME POST-DATED CHECK  
 21 CASHER.

22

23 **Section 2.** W.S. 40-14-362(a) (intro) and 40-14-363(a),  
 24 (b) and by creating a new subsection (d) are amended to

1 read:

2

3 **40-14-362. Definitions.**

4

5 (a) As used in W.S. 40-14-362 through ~~40-14-364~~  
6 40-14-365:

7

8 **40-14-363. License required; post-dated check finance**  
9 **charge; limits on amount financed and terms; minimum**  
10 **finance charge.**

11

12 (a) No person shall engage in business as a post-  
13 dated check casher in this state unless licensed in  
14 accordance with W.S. 40-14-634. No post-dated check casher  
15 may contract for, charge or receive any amount as a charge  
16 in connection with a post-dated check or similar  
17 arrangement other than a post-dated check finance charge as  
18 stated in this subsection. The maximum amount of any post-  
19 dated check shall not exceed four hundred dollars  
20 (\$400.00). No person shall be eligible to receive a loan  
21 from post-dated checks or similar arrangements if your  
22 current balance of loans from post-dated checks or similar  
23 arrangements exceeds four hundred dollars (\$400.00). No  
24 post-dated check casher shall knowingly loan a post-dated

1 check borrower any funds which exceed four hundred dollars  
2 (\$400.00) in outstanding post-dated check or similar  
3 arrangement loans to that borrower. No post-dated check  
4 finance charge shall exceed the greater of ~~thirty dollars~~  
5 ~~(\$30.00) or twenty percent (20%)~~ fifteen percent (15%) per  
6 month or forty-five percent (45%) annually on the principal  
7 balance of the post-dated check or similar arrangement.

8  
9 (b) The maximum term of any post-dated check or  
10 similar arrangement subject to this part shall be ~~one (1)~~  
11 three (3) calendar ~~month~~ months.

12  
13 (d) If the administrator, acting in accordance with  
14 the procedural requirements of W.S. 40-14-635, finds that a  
15 post-dated check casher has violated this section resulting  
16 in the post-dated check casher refunding excess charges to  
17 the consumer, the post-dated check casher's license may be  
18 revoked or suspended. Notwithstanding W.S. 40-14-635, a  
19 post-dated check casher's license suspension pursuant to  
20 this subsection shall not exceed twelve (12) months.

21  
22 **Section 3.** This act is effective July 1, 2011.

23  
24 (END)