Post-dated checks.

Sponsored by: Representative(s) Throne and Zwonitzer, Dn. and Senator(s) Von Flatern

A BILL

for

1 AN ACT relating to the Uniform Consumer Credit Code;  
2 providing for notification of payday check cashing laws;  
3 providing for a limit on amount financed; modifying  
4 interest charges; providing a penalty for a post-dated  
5 check cashier who violates this act as specified; allowing  
6 for suspension of a post-dated check cashier's license; and  
7 providing for an effective date.

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

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

40-14-365. Penalties.
(a) A post-dated check casher is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00) if he knowingly violates W.S. 40-14-363(a) by loaning a post-dated check borrower any funds which exceed four hundred dollars ($400.00) in outstanding post-dated check or similar arrangement loans to that borrower.

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

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

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

NOTICE

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

2. STATE LAW PROHIBITS A POST-DATED CHECK CASHER FROM KNOWINGLY LOANING A POST-DATED CHECK BORROWER ANY FUNDS WHICH EXCEED FOUR HUNDRED DOLLARS ($400.00) IN OUTSTANDING POST-DATED CHECK OR SIMILAR ARRANGEMENT LOANS TO THAT BORROWER.
3. STATE LAW REQUIRES THAT A POST-DATED CHECK CASHER OBTAINS THE SIGNATURE OF A PROSPECTIVE POST-DATED CHECK BORROWER ACKNOWLEDGING THAT THE PROSPECTIVE POST-DATED CHECK BORROWER DOES NOT HAVE MORE THAN FOUR HUNDRED DOLLARS ($400.00) IN OUTSTANDING LOANS FROM POST-DATED CHECKS OR SIMILAR ARRANGEMENTS.

YOU MUST SIGN THE FOLLOWING STATEMENT:

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

(SIGNATURE OF DRAWER)

4. STATE LAW PROHIBITS A POST-DATED CHECK OR SIMILAR ARRANGEMENT FROM BEING REPAID, REFINANCED OR OTHERWISE CONSOLIDATED BY PROCEEDS OF ANOTHER POST-DATED CHECK OR SIMILAR ARRANGEMENT ACCEPTED BY THE SAME POST-DATED CHECK CASHER.
Section 2. W.S. 40-14-362(a)(intro) and 40-14-363(a) and by creating a new subsection (d) are amended to read:

40-14-362. Definitions.

(a) As used in W.S. 40-14-362 through 40-14-366:

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

(a) No person shall engage in business as a post-dated check cashier in this state unless licensed in accordance with W.S. 40-14-634. No post-dated check cashier may contract for, charge or receive any amount as a charge in connection with a post-dated check or similar arrangement other than a post-dated check finance charge as stated in this subsection. The maximum amount of any post-dated check shall not exceed four hundred dollars ($400.00). No person shall be eligible to receive a loan from post-dated checks or similar arrangements if the person's current balance of loans from post-dated checks or similar arrangements exceeds four hundred dollars
($400.00). No post-dated check casher shall knowingly loan a post-dated check borrower any funds which exceed four hundred dollars ($400.00) in outstanding post-dated check or similar arrangement loans to that borrower. No post-dated check finance charge shall exceed the greater of thirty dollars ($30.00) or twenty percent (20%) fifteen percent (15%) per month or thirty-six percent (36%) annually on the principal balance of the post-dated check or similar arrangement.

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

Section 3. This act is effective July 1, 2013.

(END)