

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/7/2025 *Check all that apply:*
Bill Number: H59-341 Original Correction
 Amendment Substitute

Sponsor: Rep. Cadena **Agency Name and Code** DFA-341
Short Title: EARNED WAGE ACCESS SERVICES ACT **Number:** _____
Person Writing Mark Melhoff **Phone:** _____ **Email** Mark.Melhoff@dfa.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

- **Title:** HOUSE BILL 59 - Earned Wage Access Services Act
- **Purpose:** Regulates the provision of earned wage access services in New Mexico.

- **Key Provisions:**
 - **Licensing:** Requires providers to obtain a license from the Financial Institutions Division.
 - **Exemptions:** Banks, savings and loan associations, and credit unions are exempt from licensing.
 - **Consumer Protections:**
 - Providers must offer at least one no-cost option for consumers to access their wages.
 - Clear disclosure of fees and terms to consumers.
 - Prohibits providers from sharing fees or tips with employers.
 - Limits on fees and prohibits certain charges like late fees or interest.
 - **Reporting:** Providers must file annual reports with detailed financial and operational data.
 - **Complaints:** Establishes a process for consumers to file complaints against providers.
 - **Penalties:** Violations of the act can result in fines ranging from \$500 to \$1,000.
 - **State Jurisdiction:** The state has exclusive authority over the regulation of earned wage access services.
 - **Annual License:** Licenses must be renewed annually, with specific requirements for renewal.
 - **Investigations:** The division can investigate providers and examine their records to ensure compliance.
 - **Consumer Rights:** Providers must inform consumers of their rights and allow them to cancel services without fees.
 - **Privacy:** Providers must comply with all applicable privacy and information security laws.

Effective Date: This applies to licenses issued on or after October 15, 2025.

FISCAL IMPLICATIONS

Section 9 I “Each witness who appears before the division by the director's order shall receive the fees and mileage provided for witnesses in civil actions in the district court. Fees and mileage shall be paid by the state” unable to calculate cost.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS