

**CONSUMER CREDIT NOTIFICATION (CCN)
FREQUENTLY ASKED QUESTIONS**

**STATE OF UTAH
Department of Financial Institutions**

324 South State Street, Suite 201, SLC, UT 84111
www.dfi.utah.gov Fax: (801) 538-8894 Tel: (801) 538-8830

Am I required to file a CCN? When should a CCN be filed?

In general, if you lend to Utah consumers primarily for personal, family or household purposes, sell or provide goods or services on a credit basis to Utah consumers, or make consumer leases or take assignments of consumer debt, you are required to file notification and pay a notification fee of \$100. The CCN form should be filed at least 30 days before you start operations in Utah. Thereafter, you must file a CCN on or before each January 31st of each year. The same CCN form is used for an initial notification and annual renewals, and it must be emailed, mailed, or faxed to us. We do not have an online portal for document or payment submission.

It is up to each person or company to determine if they are subject to the Utah Consumer Credit Code (aka Title 70C) and to comply accordingly. We strongly encourage you to read Title 70C to determine if it applies to your operations. Many have found the following sections helpful: §70C-8-201 Applicability; §70C-1-201 Covered Transactions; §70C-1-202 Exempted Transactions; and §70C-1-302 Definitions.

What law requires someone to file a CCN?

The Utah Consumer Credit Code, Title 70C of the Utah Code Annotated, requires a notification and fee. See §70C-8-201. You can find Title 70C on the Utah State Legislature website:
<https://le.utah.gov/xcode/Title70C/70C.html>.

How many “Doing Business As” names (DBAs) can I include on one CCN form?

While our database can accommodate several DBAs in addition to the Utah business name, typically only one DBA will show on the Acknowledgment we send back to you. If you have want more than one DBA, and want all of the DBAs to be shown on the Acknowledgment, you should file a separate CCN, Certificate of Existence (COE), and \$100 fee for each DBA. We require a COE for every DBA shown on your CCN.

Are collection agencies required to file a CCN?

A CCN is required if the collection agency is “a party who has an office or place of business in Utah and takes an assignment of undertakes direct collection of a payment from or enforcement of a right against a debtor arising from a consumer credit transaction” as per §70C-8-201(1)(b). If a CCN is required, it is in addition to requirements from the Utah Department of Commerce Division of Corporations and Commercial Code.

If you have questions about collection agency licenses or bond requirements, please contact the Utah Department of Commerce Division of Corporations and Commercial Code. The Utah Department of Financial Institutions does not license or require bonds from collection agencies.

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Do I need to file a CCN to lend for business or commercial purposes?

You do not need to file a CCN if you are extending credit “primarily for business, commercial, or agricultural purposes.” Such extensions of credit are exempted transactions as per §70C-1-202.

What is a Certificate of Existence (COE)?

A COE is a document issued by the Utah Department of Commerce, Division of Corporations. This certificate shows that a business is authorized to transact business in Utah. It is different from the CCN because a CCN authorizes a person or company to conduct activities subject to Title 70C, such as lending to Utah citizens.

How do I get a COE?

To purchase a COE, go to Division of Corporations website: www.corporations.utah.gov. Click the “Other Services” drop down menu and select “Ordering Documents Online.” A new page will pop up for a Business Search. Enter your Utah business name (or DBA if your CCN shows a DBA) in the “Business Name” field, then click “Search.” On the search result list, find the correct business and click on either the business name or “Details.” In the business detail page, click on: “Purchase Certificate of Existence.” We require a COE for every DBA shown on your CCN.

Is there another document I can submit instead of a COE?

We will only accept a COE that is dated within 90 days of your CCN submission. We will not accept a business license, certificate of registration, a screen shot, printed entity detail, or any other document instead of a COE. Make sure that the Business Name shown on the COE is an exact match to the Utah Business Name (or DBA if your CCN shows a DBA) on your CCN. We require a COE for every DBA shown on your CCN. If these instructions are not followed, we will not process your CCN. We will return the unprocessed CCN to you.

Which people should be listed in the Company Contact Information section of the CCN?

- *Person who replies to consumer complaints.* This should be the person who is responsible to address consumer complaints about your business. If a Utah consumer files a complaint with us, we will forward the complaint to this person. You are required to respond to the consumer within 20 business days and to give a copy of that response to us.
- *Supervisor or manager.* This should be a supervisor or manager for activities subject to the Utah Consumer Credit Code. We will contact this person if the consumer complaint contact does not respond to us in a timely manner. We will also contact this person if we need to reach you for reasons other than consumer complaints.

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- *Person responsible for submitting this form.* If you use a third party licensing company, the licensing agent's contact information should appear here. Otherwise, show the person we should contact with questions about information on the CCN. We will email the Acknowledgment to this person after we process the CCN.
- *Designated agent in Utah.* A designated agent name and address is required by Utah Code Annotated §70C-8-202(1)(c)(vi). A designated agent for service of process (also known as a registered agent) is a person or company designated to accept service of process on your behalf. Essentially, this who will be "served" with court papers if someone wants to file a lawsuit against you. Your designated agent must be located in Utah. The designated agent can be an owner or employee of your business.

How can I pay the notification fee? Do you accept credit card payments?

You may pay with a paper check, an ACH, or a wire transfer. For security reasons, please do not pay in cash.

- Checks. Make the check payable to the Utah Department of Financial Institutions. Either mail the check to us with a paper CCN and COE or email the CCN and COE to us at msb.utah.gov. In the email, tell us that you mailed a paper check.
- ACH. You are responsible to originate an ACH from your bank. See the FAQ "*What are your ACH instructions?*" for additional details.
- Wire Transfer. You are responsible to originate a wire transfer from your bank. See the FAQ "*What are your wire transfer instructions?*" for additional details.
- Cards. We do not accept credit or debit card payments.

What are your ACH instructions?

You are responsible to originate the ACH. Contact your bank, pay any applicable fees, and tell your bank to send the ACH to the DFI's account as outlined below.

Institution's Name: Wells Fargo Bank, N.A.
Routing and Transit Number: 124000012
Account Number: 0600008692

Then, email to our Finance Director, Michael Jones, at mjones@utah.gov to tell him you have sent an ACH to pay the notification fee. Include the Utah Business Name, and the DBA name if applicable, and the date payment was sent in that email. This will help us monitor payment receipt and allow for quicker follow-up should a problem arise.

If you have any questions about paying by ACH, you can contact either Michael Jones (mjones@utah.gov; (801) 538-8839) or Emily Stanton (estanton@utah.gov; (801) 538-8855).

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What are your wire transfer instructions?

You are responsible to originate the wire transfer. Contact your bank, pay any applicable fees, and tell your bank to send the ACH to the DFI's account as outlined below.

Institution's Name: Wells Fargo Bank, N.A.
Routing and Transit Number: 121000248
Account Number: 0600008692

Then, email to our Finance Director, Michael Jones, at mjones@utah.gov to tell him you have sent a wire transfer to pay the notification fee. Include the Utah Business Name, and the DBA name if applicable, and the date payment was sent in that email. This will help us monitor payment receipt and allow for quicker follow-up should a problem arise.

If you have any questions about paying by wire transfer, you can contact either Michael Jones (mjones@utah.gov; (801) 538-8839) or Emily Stanton (estanton@utah.gov; (801) 538-8855).

Who should certify that the information on the CCN form is true and correct?

Your company should determine who is authorized to certify that the information provided on the CCN form is true and correct. *This person should provide a typed or printed name at the bottom of the form.* We do not require a wet signature.

How do I send in my CCN?

First, make sure you have included all three elements of the CCN package:

- 1) a filled-out CCN form
- 2) a copy of the COE that shows the same business name as the CCN's Utah Business Name or DBA*, &
- 3) a check for \$100 made payable to the Utah Department of Financial Institutions, or an email to mjones@utah.gov and estanton@utah.gov to confirm that your bank sent a \$100 ACH or wire transfer. (For details about ACH or wire transfers, see the FAQs for "*What are your ACH instructions?*" or "*What are your wire transfer instructions?*")

*We require a COE for every DBA shown on your CCN.

Next, either email the complete CCN package to msb.dfi@utah.gov or mail it to our mailing address:
Utah Department of Financial Institutions
P.O. Box 146800
Salt Lake City, UT 84114-6800

We do not accept credit cards or have an online portal for document or payment submission. You must mail, email, or fax the CCN package to us.

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After I send in my CCN, will I receive a license?

The CCN is not a license or registration. The purpose of the CCN is to notify us that you will be conducting consumer credit transactions with Utah consumers. Unlike a license, the notification cannot be denied or revoked. For that reason there is no license number or application approval process.

What will I receive to show I have filed the CCN?

After we process your CCN, we will email an Acknowledgment to the person responsible for submitting the form. If you want us to mail or email the Acknowledgment to a different person, send a cover letter with your CCN that tells us where and how you want us to send the Acknowledgment. We will do our best to accommodate your request. You are not required to post or display your CCN Acknowledgment.

Does the CCN Acknowledgment authorize someone to conduct business in states other than Utah?

The notification applies only to the credit activities conducted with Utah citizens. You should check with every state where you will operate to identify any laws or requirements that may apply to your business.

Is there a different form to renew a CCN?

The same CCN form should be used for your initial filing and annual renewals.

I missed the January 31st renewal deadline. Are there penalties or fees for a late filing?

There are no penalties for filing a renewal CCN after the deadline. Please file the CCN as soon as possible to avoid conducting unauthorized activities.

Where can I find out if someone has filed a CCN?

Individuals who want to verify that a person or company has filed a CCN may view the list of registered consumer lenders on our website: <https://www.utah.gov/dfi/ConsumerLending.html>. If the person or company you are looking for is not on the list, it could mean that they have not filed the Notification, that their CCN is in process, or that they are exempt from Title 70C.

My question was not answered in the FAQs. Who can I contact for assistance?

You can reach us at (801) 538-8830. Ask the receptionist to transfer your call to someone who can answer questions about the Consumer Credit Notification.