

# HOUSE BILL 237

I3, I2

(PRE-FILED)

6lr0106  
CF SB 94

By: Chair, Economic Matters Committee (By Request – Departmental – Labor)

Requested: September 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

## A BILL ENTITLED

## 1 AN ACT concerning

## Commercial Law – Earned Wage Access – Revisions

3 FOR the purpose of prohibiting certain tipping practices; altering the timeline for certain  
4 refunds; subjecting certain earned wage access providers and loan lenders to certain  
5 consumer loan requirements; and generally relating to earned wage access.

## 6 BY repealing and reenacting, with amendments,

## Article – Commercial Law

8 Section 12-128, 12-318, and 12-1502 through 12-1504

## Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

## Article – Commercial Law

14 12-128.

(a) A lender [who gives consumers an option to provide the lender a tip shall:

16 (1) Disclose to the consumer to whom the tip will be allocated; and

17 (2) Set the default tip at zero] MAY NOT ACCEPT A TIP FROM A  
18 CONSUMER OR GIVE A CONSUMER THE OPTION TO PROVIDE A TIP.

19                   (b)    A lender may not directly or indirectly suggest that providing a tip will  
20 influence:

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- (1) The lender's willingness to provide a loan to a consumer at any time; or
  - (2) The terms of any loan offered to the consumer by that lender.

3 (c) A lender who receives a tip [that would otherwise create a rate of interest  
4 above that allowed under this subtitle] may not be found in violation of this subtitle if the  
5 lender returns all of the tip [or that portion of the tip necessary to reduce the rate of interest  
6 to an amount allowed under this subtitle] within [30 calendar] 7 days after receiving the  
7 tip.

(d) A lender shall prominently disclose that[:]

9 (1) Providing a tip does not influence the lender's willingness to provide a  
10 loan to the consumer at any time; and

14 12-318.

(a) A lender [who gives consumers an option to provide the lender a tip shall:

(1) disclose to the consumer to whom the tip will be allocated; and

17 (2) set the default tip at zero] MAY NOT ACCEPT FROM ANY CONSUMER,  
18 OR GIVE ANY CONSUMER THE OPTION TO PROVIDE, A TIP.

21 (1) the lender's willingness to provide a loan to a consumer at any time; or

(2) the terms of any loan offered to the consumer by that lender.

23 (c) A lender who receives a tip [that would otherwise create a rate of interest  
24 above that allowed under this subtitle] may not be found in violation of this subtitle if the  
25 lender returns all of the tip [or that portion of the tip necessary to reduce the rate of interest  
26 to an amount allowed under this subtitle] within [30 calendar] 7 days after receiving the  
27 tip.

28 (d) A lender shall prominently disclose that [ ]

29 (1) Providing a tip does not influence the lender's willingness to provide a  
30 loan to the consumer at any time; and

4 12-1502.

5 (a) A person may not engage in the business of providing earned wage access  
6 unless the person is licensed under or is exempt from the licensing requirements of Title  
7 11, Subtitle 2 of the Financial Institutions Article.

8       (b) Failure to obtain a consumer loan license shall subject a provider to the  
9 enforcement provisions of Title 11, Subtitle 2 of the Financial Institutions Article.

10 (c) An earned wage access provider licensed under Title 11, Subtitle 2 of the  
11 Financial Institutions Article and subject to this subtitle is exempt from other provisions  
12 of State law governing lending, credit, or debt, including the provisions of Subtitle 1,  
13 Subtitle 3, Subtitle 9, and Subtitle 10 of this title **WITH THE EXCEPTION OF §§ 12-304,**  
14 **12-305, AND 12-316.1 OF THIS TITLE.**

15 (d) Earned wage access services provided in accordance with this subtitle may not  
16 be considered:

17 (1) A money transmission; or

(2) A violation of or noncompliance with State laws governing deductions from payroll, salary, wages, compensation, or other income or the purchase, sale, assignment, or order for unpaid but earned wages.

21 12-1503.

22 (a) A provider of earned wage access shall:

23 (1) Develop and implement policies and procedures to respond to questions  
24 raised by consumers;

25 (2) Address complaints from consumers in an expedient manner;

30 (4) Clearly explain to a consumer how to elect a no-cost option described  
31 in item (3) of this subsection;

3 (i) Inform the consumer of the consumer's rights under the  
4 agreement; and

5 (ii) Fully and clearly disclose all fees associated with the earned  
6 wage access services;

(6) Inform a consumer of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer;

(7) Allow a consumer to cancel use of the provider's earned wage access services at any time without incurring a cancellation fee imposed by the provider;

11 (8) Comply with all applicable local, state, and federal privacy and  
12 information security laws;

13 (9) [If a provider solicits, charges, or receives a tip, gratuity, or other  
14 donation from a consumer:

15 (i) Set the default tip, if any, at zero;

16 (ii) Clearly and conspicuously disclose to the consumer immediately  
17 prior to each transaction that any tip paid by the consumer does not inure to the direct  
18 benefit of any specific employee of the provider or any other individual;

19 (iii) Clearly and conspicuously disclose to the consumer immediately  
20 prior to each transaction that a tip, gratuity, or other donation amount is optional and  
21 voluntary; and

22 (iv)] Clearly and conspicuously disclose in the provider's service  
23 contract with the consumer that[:]

24 1. tips, gratuities, or other donations are voluntary; and

31 (10) Provide proceeds to a consumer by any means mutually agreed upon by  
32 the consumer and the provider; and

13 (b) Subsection (a)(11) of this section does not apply to a provider seeking  
14 repayment of outstanding proceeds or payment of fees or other amounts owed that were  
15 received or incurred by a consumer through fraudulent or other unlawful means.

16 12-1504.

17 A provider of earned wage access may not:

18 (1) Share with an employer any [fees, tips, or other] charges received from  
19 a consumer for earned wage access;

20 (2) SOLICIT OR CHARGE A TIP;

23                   **(3) (4)**     Charge a consumer a late fee, interest, or other penalty for  
24 failure to pay any proceeds [ ] OR fees[ ] or tips[ ];

25 [ (4) ] (5) Report any information about a consumer's failure to pay any  
26 proceeds [ ] OR fees [ ] or tips [ ] to any consumer reporting agency;

27                   **(5) (6)**     Obtain a consumer's credit report as a method of qualifying the  
28 consumer for earned wage access;

29 [6] (7) Receive interest from a consumer; or

[7] (8) Compel or attempt to compel payment by a consumer of any proceeds, fees, tips, gratuities, or other donations through:

32 (j) A civil action against the consumer;

(iii) The sale or assignment of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2026.