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HOUSE BILL NO. 959

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-186.7, relating to recordkeeping duties of check cashers; penalty.*

Patron—Ingram

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-186.7 as follows:

§ 18.2-186.7. Failure of check casher to obtain, retain, and make available information; penalty.

A. It shall be unlawful for any person required to be registered under Chapter 17 (§ 6.1-432 et seq.) of Title 6.1 to cash an item in the course of engaging in the business of cashing checks, drafts, or money orders for compensation unless the person obtains or makes a copy of:

1. Both sides of the cashed item; and

2. The customer's thumbprint or a valid identification document. As used in this section, a customer's "valid identification document" means (i) a driver's license, (ii) a state-issued identification card, (iii) a U.S. government resident alien identification card, (iv) a passport, or (v) a U.S. military identification card, provided that such document includes (a) a photograph of the customer, (b) the customer's full name, current address, date of birth, and facsimile signature, and (c) the customer's driver's license number, passport number, or other recognized identification number.

The person shall be deemed to have satisfied the requirements of this subsection if the person (i) performs the actions set forth in subdivision 2 at the time of the customer's first transaction with the person and (ii) retains the copy of the customer's valid identification document or thumbprint, as applicable, electronically or in some other format that permits it to be retrieved by the person at the time of any subsequent transaction involving the customer.

B. It shall be unlawful for any person required to be registered under Chapter 17 (§ 6.1-432 et seq.) of Title 6.1 who cashes an item in the course of engaging in the business of cashing checks, drafts, or money orders for compensation to fail to maintain for each transaction the copy of the cashed item and copy of the valid identification document or thumbprint obtained as required by subsection A, together with a record of the time and date of the transaction, at the person's place of business at which the item was cashed, or at another location where the person conducts business as a registered check casher that is within the same locality as the place of business at which the item was cashed, for a period of not less than one year following the date of the transaction.

C. Any person who violates this section shall be guilty of a Class 3 misdemeanor.

INTRODUCED

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