11103643D

HOUSE BILL NO. 2074

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact § 6.2-2108 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-2107.1, relating to practices of check cashers; civil penalty.

Patron—Ingram

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-2108 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-2107.1, as follows:

§ 6.2-2107.1. Required business practices.

A. As used in this section, a customer's "valid identification document" means any of the following items: (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.

B. A person required to be registered under this chapter shall not cash an item in the course of conducting business as a check casher unless the person:

1. Makes a copy of both sides of the cashed item; and

2. Either:

a. Makes a copy of a valid identification document presented by the customer; or

b. Obtains a thumbprint of the customer.

C. The person required to be registered under this chapter shall be deemed to have satisfied the requirements of subdivision B 2 if the person (i) performs either of the actions set forth in subdivision B 2 a or B 2 b 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.

D. A person required to be registered under this chapter who cashes an item in the course of conducting business as a check casher shall maintain for each transaction the copy of the cashed item and the copy of either the customer's valid identification document or thumbprint obtained as required by subsection B, 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.

E. A person required to be registered under this chapter who cashes an item in the course of conducting business as a check casher shall make the copies required to be maintained as provided in subsection D available upon request to any law-enforcement official in the performance of his duties who presents his credentials at the person's place of business during the regular business hours of the place of business.

§ 6.2-2108. Civil penalties; civil action.

A. The Commission may impose a civil penalty not exceeding $1,000 upon any person required to be registered hereunder who it determines, in proceedings commenced in accordance with the Commission's Rules, has violated any of the provisions of this chapter or regulations adopted thereunder. *However, the civil penalty that may be imposed upon any person required to be registered hereunder who has violated the provisions of § 6.2-2107.1 shall not exceed $200.* For the purposes of this section, each separate violation shall be subject to the civil penalty therein prescribed.

B. Any person who suffers loss by reason of a violation of any provision of this chapter, *other than a violation of the provisions of § 6.2-2107.1,* may bring a civil action to enforce such provision. Any person who is successful in such action shall recover reasonable attorney fees, expert witness fees and court costs incurred by bringing such action.