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HOUSE BILL NO. 958

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 6.1-441 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.1-439.1, relating to practices of check cashers; penalty.*

Patron—Ingram

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 6.1-441 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.1-439.1 as follows:

§ 6.1-439.1. 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, provided that such item includes a photograph of the customer; the customer's full name, current address, date of birth, and facsimile signature; and the customer's driver's license number, passport number, or other recognized identification number.

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 makes a copy of both sides of the cashed item and either:

1. Makes a copy of a valid identification document presented by the customer; or
2. Obtains a thumbprint of the customer.

The person shall be deemed to have satisfied the requirements of this subsection if the person (i) performs any of the actions set forth in subdivision 1 or 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.

C. 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 copy of the 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.

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 make the copies required to be maintained as provided in subsection C 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.

§ 6.1-441. Criminal penalties.

Any person required to be registered under this chapter who acts as a check casher in this Commonwealth without having ~~obtained a registration~~ registered with the Commission as required by § 6.1-433 or who cashes an item in violation of the requirements of § 6.1-439.1 shall be guilty of a Class 1 misdemeanor. For the purposes of this section, each transaction entered into involving the cashing of an item by such person shall constitute a separate offense.

INTRODUCED

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