

12100358D

HOUSE BILL NO. 356

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1, relating to the collection and dissemination of information regarding check cashing fees.*

 Patron—McClellan

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1 as follows:

§ 6.2-603.1. Check cashing fee information.

A. As used in this section, unless the context requires a different meaning:

"Check" or "item" includes any check, draft, or money order.

"Check cashing fee information" means:

1. If the regulated institution is a person required to be registered pursuant to Chapter 21 (§ 6.2-2100 et seq.), the fees charged for cashing items that the check casher is required to post pursuant to § 6.2-2105; and

2. If the regulated institution is a person engaged in the Commonwealth in the business of a bank, savings institution, or credit union: (i) whether or not the institution cashes checks payable to individuals who do not have an account at the institution; (ii) the fee charged by the institution for cashing a check drawn on an account at the institution when the person presenting the check either does or does not have an account at the institution; (iii) the fee charged by the institution for cashing a check drawn on an account at another bank, savings institution, or credit union when the person presenting the check either does or does not have an account at the institution; (iv) whether the amount of the fee charged to an individual for cashing a check varies depending on the balance in or type of the account or the size of the check; and (v) any similar or related information that permits the Bureau to compile information in a format that allows individuals to compare the check cashing fees charged under like circumstances by other regulated institutions, including any person required to be registered pursuant to Chapter 21 (§ 6.2-2100 et seq.).

"Regulated institution" means a person (i) required to be registered pursuant to Chapter 21 (§ 6.2-2100 et seq.) or (ii) engaged in the business of a bank, savings institution, or credit union in the Commonwealth that is organized under the laws of the Commonwealth, any other state, or the United States.

B. The Bureau shall:

1. Conduct surveys, no less frequently than annually, of regulated institutions in order to obtain check cashing fee information with respect to the regulated institution's operations in the Commonwealth; and

2. Compile the check cashing fee information collected pursuant to subdivision 1, including updates thereto reflecting check cashing fee information collected pursuant to subsequent surveys, in a chart, table, or similar format that is accessible to residents of the Commonwealth. If a regulated institution's check cashing fees or policies vary among geographic regions of the Commonwealth, the Bureau's compilations shall provide such information for each such region.

C. The Bureau shall make its compilations of check cashing fee information collected pursuant to subsection B available to the public by (i) posting such information on the Bureau's website and (ii) making printed copies of the information available to persons so requesting it.

D. Every regulated institution shall provide the Bureau with the check cashing fee information requested pursuant to subdivision B 1. If a regulated institution is a bank, savings institution, or credit union organized under the laws of another state or the United States and is not subject to regulation by the Bureau, and such institution declines to voluntarily provide its check cashing fee information to the Bureau, the Bureau is authorized to collect information regarding the institution's check cashing fees through any marketing material of the institution, from the institution's customers who volunteer to provide such information to the Bureau, or from other lawful means; however, in such cases the Bureau's compilations of check cashing fee information shall (i) note that such institutions declined to provide the requested check cashing fee information and (ii) briefly describe the means by which such information was collected by the Bureau.

INTRODUCED

HB356