

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 768

An Act 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 check cashers; records; civil penalty.

[H 1026]

Approved April 7, 2014

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. Recordkeeping requirements.

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

- 1. A state-issued driver's license or identification card;*
- 2. A U.S. government resident alien identification card;*
- 3. A passport;*
- 4. A U.S. military identification card;*
- 5. A Non-U.S. government identification card;*
- 6. A Mexican Matricula identification card; or*
- 7. Other government identification card.*

B. A registrant shall not cash an item for a customer in the course of conducting its business unless the registrant:

1. Makes a copy of both sides of the item or maintains a record of the following information that is available from the item:

- a. ABA number;*
- b. Account number;*
- c. Check number;*
- d. Check type;*
- e. Date of check; and*
- f. Check amount; and*

2. Makes a copy of an identification document that is presented by the customer to the registrant at the time the customer presents the item for cashing or maintains a record of the following information that is available from the identification:

- a. Name;*
- b. Address;*
- c. Date of birth;*
- d. Type of identification;*
- e. Identification number; and*
- f. Identification expiration date.*

C. A registrant shall maintain the information required by subsection B and a record of the time and date of the transaction. Such materials shall be maintained for a period of not less than six months following the date an item is cashed.

D. The provisions of this section shall not apply to any registrant that is principally engaged in the bona fide retail sale of goods or services.

§ 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 registrant who has violated a provision of § 6.2-2107.1 shall not exceed \$100. 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 a provision 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.