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HOUSE BILL NO. 1026

Offered January 8, 2014

Prefiled January 8, 2014

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 check cashers; records; civil penalty.*

Patrons—Ingram and Dance

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. 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, or*
- 4. A U.S. military 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; 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.*

C. A registrant shall maintain the required copies of the cashed item and of the customer's identification document and a record of the time and date of the transaction. Such materials shall be maintained, for a period of not less than one year following the date an item is cashed, either (i) at the location where the item was cashed or (ii) at another location where the registrant conducts business as a check casher that is within the same locality where the registrant cashed the item.

D. A registrant that cashes an item shall make the materials 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, during the registrant's regular business hours, at the registrant's place of business where such materials are maintained.

§ 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 the provisions 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 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.

INTRODUCED

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