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HOUSE BILL NO. 1585

Offered January 14, 2009

Prefiled September 9, 2008

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 "identification document" means a driver's license, state-issued identification card, U.S. government resident alien identification card, passport, or U.S. military identification card that includes a photograph of the customer, the customer's full name, current address, date of birth, facsimile signature, and the customer's driver's license number, passport number, social security 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, at the time of cashing the item:

1. The customer has presented to the person a valid identification document;
2. The person makes a copy of identification document presented by the customer;
3. The person photographs the customer in a manner that permits retention of a recognizable likeness of the customer's face;
4. The person obtains a thumbprint of the customer; and
5. The person makes a copy of both sides of the cashed item.

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 copies of the valid identification document and cashed item, customer's photograph, and customer's 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 provided it 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 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 at the person's place of business during the person's regular business hours.

§ 6.1-441. Criminal penalties.

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

B. It is unlawful for any person to cash an item in violation of the requirements of § 6.1-439.1.

C. The Commission shall report violations of subsection A or B to the attorney for the Commonwealth. It shall be the duty of every attorney for the Commonwealth to whom the Commission has reported such a violation to commence proceedings and prosecute without delay.

D. Any person convicted of violating subsection A or B is guilty of a Class 1 misdemeanor.

INTRODUCED

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