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HOUSE BILL NO. 634

Offered January 13, 2016

Prefiled January 11, 2016

A BILL to amend and reenact §§ 6.2-1803 and 6.2-2203 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 6.2-1807.1 and 6.2-2207.1, relating to licensure of payday lending and motor vehicle title lending offices; distance from military installation.

Patrons—Bell, John J. and Simon

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1803 and 6.2-2203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.2-1807.1 and 6.2-2207.1 as follows:

§ 6.2-1803. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant;

2. If the applicant is a firm or partnership, the name and address of each member of the firm or partnership;

3. If the applicant is a corporation or a limited liability company, the name and address of each officer, director, registered agent, and each principal;

4. The addresses of the locations of the offices to be approved; and

5. Such other information concerning the financial responsibility, background, experience and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. The application shall be accompanied by evidence that the proposed location of the office for which approval is sought is not within five miles of a military installation as defined in subsection A of § 6.2-1807.1.

D. The application shall be accompanied by payment of an application fee of \$500.

~~D.~~ E. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-1807.1. Condition for licensure of certain offices; distance from military installation.

A. As used in this section, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, at which, on average during the calendar year, 500 or more active duty members of the United States Armed Forces, United States Armed Forces Reserves, or the Virginia National Guard are housed. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

B. The Commission shall not issue to an applicant a license under this chapter if the location of the office for which the license is sought is within five miles of any military installation.

C. The distance requirement set forth in this section shall be measured in a straight line, without regard to roadways or intervening structures, from the main entrance of each such facility.

D. A license issued prior to July 1, 2016, by the Commission under this chapter with respect to an office that on such date is within five miles of a military installation shall not be subject to revocation or suspension on account of such fact. A licensee that falls within the exception established by this subsection shall, however, be required to comply with the provisions of this section for purposes of relocating an existing office or obtaining a license for a new office.

E. The opening after July 1, 2016, of a military installation within five miles of a previously approved office at which a licensee is licensed to conduct business under this chapter shall not constitute grounds for revocation or suspension of the license. A licensee that falls within the exception established by this subsection shall, however, be required to comply with the provisions of this section for purposes of relocating an existing office or obtaining a license for a new office.

§ 6.2-2203. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath, and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant and (i) if the applicant is a partnership, firm, or

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59 association, the name and address of each partner or member; (ii) if the applicant is a corporation or
60 limited liability company, the name and address of each director, member, registered agent, and
61 principal; or (iii) if the applicant is a business trust, the name and address of each trustee and
62 beneficiary;

63 2. The addresses of the locations of the business to be licensed; and

64 3. Such other information concerning the financial responsibility, background, experience, and
65 activities of the applicant and its members, officers, directors, and principals as the Commissioner may
66 require.

67 C. *The application shall be accompanied by evidence that the proposed location of the office for*
68 *which approval is sought is not located within five miles of a military installation as defined in*
69 *subsection A of § 6.2-2207.1.*

70 D. The application shall be accompanied by payment of an application fee of \$500.

71 ~~D.~~ E. The application fee shall not be refundable in any event. The fee shall not be abated by
72 surrender, suspension, or revocation of the license.

73 **§ 6.2-2207.1. Condition for licensure of certain offices; distance from military installation.**

74 A. As used in this section, "military installation" means a base, camp, post, station, yard, center,
75 homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense,
76 including any leased facility, at which, on average during the calendar year, 500 or more active duty
77 members of the United States Armed Forces, United States Armed Forces Reserves, or the Virginia
78 National Guard are housed. "Military installation" does not include any facility used primarily for civil
79 works, rivers and harbors projects, or flood control projects.

80 B. The Commission shall not issue to an applicant a license under this chapter if the location of the
81 office for which the license is sought is within five miles of any military installation.

82 C. The distance requirement set forth in this section shall be measured in a straight line, without
83 regard to roadways or intervening structures, from the main entrance of each such facility.

84 D. A license issued prior to July 1, 2016, by the Commission under this chapter with respect to an
85 office that on such date is within five miles of a military installation shall not be subject to revocation
86 or suspension on account of such fact. A licensee that falls within the exception established by this
87 subsection shall, however, be required to comply with the provisions of this section for purposes of
88 relocating an existing office or obtaining a license for a new office.

89 E. The opening after July 1, 2016, of a military installation within five miles of a previously
90 approved office at which a licensee is licensed to conduct business under this chapter shall not
91 constitute grounds for revocation or suspension of the license. A licensee that falls within the exception
92 established by this subsection shall, however, be required to comply with the provisions of this section
93 for purposes of relocating an existing office or obtaining a license for a new office.