

Senate Bill 358

Sponsored by Senator MORRISETTE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits money transmission licensees from conducting money transmissions or issuing or selling payment instruments for more than specific amount of money without obtaining thumbprint from person requesting transmission. Prohibits person requesting money transmission from transmitting more than specific amount of money without supplying person's thumbprint. Requires licensee to keep certain transaction records. Requires Department of Consumer and Business Services to specify by rule applicable amount and form and content of required affidavit for transaction record. Exempts transaction records from public disclosure except in criminal proceedings.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to money transmissions; creating new provisions; amending ORS 717.260; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 717.200 to**
6 **717.320.**

7 **SECTION 2. (1) The requirements of this section apply only to money transmissions**
8 **conducted, or to payment instruments sold or issued, for more than a specific amount of**
9 **money. The Department of Consumer and Business Services shall prescribe the amount by**
10 **rule.**

11 **(2) A licensee or authorized delegate may not conduct a money transmission or sell or**
12 **issue a payment instrument that will transmit more than the amount of money set forth**
13 **under subsection (1) of this section to any location unless the licensee or authorized delegate**
14 **obtains the thumbprint of the person requesting the transmission on the transaction record**
15 **described in subsection (4) of this section.**

16 **(3) A person may not transmit or attempt to transmit to any location more than the**
17 **amount of money set forth under subsection (1) of this section by means of a payment in-**
18 **strument or other money transmission unless the person supplies the person's thumbprint**
19 **on the transaction record described in subsection (4) of this section.**

20 **(4) Each licensee or authorized delegate shall keep a transaction record of any money**
21 **transmission or any issuance or sale of a payment instrument in an amount that is more**
22 **than the amount of money set forth under subsection (1) of this section. The transaction**
23 **record shall include:**

24 **(a) Sufficient space for the thumbprint of the person requesting the money transmission;**

25 **(b) The name, address and telephone number or other available contact information for**
26 **the person requesting the money transmission;**

27 **(c) The amount of money transmitted and the name and address of the recipient of the**
28 **money transmission, if any; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(d) The signature of the person requesting the money transmission beneath a printed**
 2 **affidavit certifying that the name and contact information shown on the record correctly**
 3 **identifies the person and that the thumbprint shown on the record is that of the person.**

4 **(5) The department shall prescribe by rule the form and content of the affidavit required**
 5 **under subsection (4) of this section.**

6 **SECTION 3.** ORS 717.260 is amended to read:

7 717.260. (1) Each licensee shall make, keep and preserve the following books, accounts and other
 8 records for a period of three years:

9 (a) A record of each payment instrument sold;

10 (b) A general ledger, posted at least once per month, containing all assets, liabilities, capital,
 11 income and expense accounts;

12 (c) Settlement sheets received from authorized delegates;

13 (d) Bank statements and bank reconciliation records;

14 (e) Records of outstanding payment instruments;

15 (f) Records of each payment instrument paid within the three-year period; [*and*]

16 (g) A list of the names and addresses of all the licensee's authorized delegates[.]; **and**

17 **(h) A copy of each transaction record described in section 2 of this 2007 Act, if different**
 18 **from the record described in paragraph (a) of this subsection.**

19 (2) Books, accounts and other records required to be maintained under subsection (1) of this
 20 section may be maintained:

21 (a) In a photographic, electronic or other similar form.

22 (b) At a location outside this state, so long as the books, accounts and other records are made
 23 accessible to the Director of the Department of Consumer and Business Services following seven
 24 days' written notice.

25 **(3) The licensee shall destroy the records described in subsection (1)(a) and (h) of this**
 26 **section not later than five years after the transaction date.**

27 **(4) Except as provided in this subsection, for purposes of ORS 705.137 and 192.502 the**
 28 **records described in subsection (1)(a) and (h) of this section are confidential. The Depart-**
 29 **ment of Consumer and Business Services may not disclose the records, but the records are**
 30 **subject to discovery and are admissible as evidence in criminal proceedings.**

31 **SECTION 4.** Section 2 of this 2007 Act and the amendments to ORS 717.260 by section 3
 32 of this 2007 Act become operative January 1, 2008, and apply to money transmissions con-
 33 ducted and to payment instruments issued or sold on or after January 1, 2008.

34 **SECTION 5.** The Department of Consumer and Business Services may take any action
 35 before the operative date set forth in section 4 of this 2007 Act that is necessary to enable
 36 the department to exercise, on or after the operative date set forth in section 4 of this 2007
 37 Act, the duties, functions and powers of the department pursuant to section 2 of this 2007
 38 Act and the amendments to ORS 717.260 by section 3 of this 2007 Act.

39 **SECTION 6.** This 2007 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
 41 on its passage.