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By: **Delegate Bohanan**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Financial Institutions - Maryland Money Transmission Act - Scope**

3 FOR the purpose of excluding from the provisions of the Maryland Money  
4 Transmission Act certain institutions of higher education; and generally relating  
5 to the scope of the Maryland Money Transmission Act.

6 BY repealing and reenacting, without amendments,  
7 Article - Education  
8 Section 10-101(f) and (g)  
9 Annotated Code of Maryland  
10 (2004 Replacement Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Financial Institutions  
13 Section 12-402  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Education**

19 10-101.

20 (f) "Institution of higher education" means an institution of postsecondary  
21 education that generally limits enrollment to graduates of secondary schools, and  
22 awards degrees at either the associate, baccalaureate, or graduate level.

23 (g) (1) "Institution of postsecondary education" means a school or other  
24 institution that offers an educational program in the State for individuals who are at  
25 least 16 years old and who have graduated from or left elementary or secondary  
26 school.

27 (2) "Institution of postsecondary education" does not include:

1 (i) Any adult education, evening high school, or high school  
2 equivalence program conducted by a public school system of the State; or

3 (ii) Any apprenticeship or on-the-job training program subject to  
4 approval by the Apprenticeship and Training Council.

5 **Article - Financial Institutions**

6 12-402.

7 (a) The provisions of this subtitle do not apply to:

8 (1) Any banking institution;

9 (2) Any other-state bank;

10 (3) Any national banking association or savings bank;

11 (4) Any credit union;

12 (5) Any savings and loan association;

13 (6) The United States government or any of its departments, agencies, or  
14 instrumentalities;

15 (7) AN ACCREDITED INSTITUTION OF HIGHER EDUCATION, AS DEFINED  
16 IN § 10-101 OF THE EDUCATION ARTICLE;

17 [(7)] (8) The sale of payment instruments by any person on behalf of any  
18 other person who is exempted by this subsection, if the payment instruments were  
19 received from the other person under a trust receipt for the specific purpose of sale;

20 [(8)] (9) The provision of electronic transfer of government benefits for  
21 any federal, state, or county governmental agency as defined in Federal Reserve  
22 Board Regulation E, by a contractor for and on behalf of the United States or any of  
23 its departments, agencies, or instrumentalities, or any state or any political  
24 subdivision of any state; or

25 [(9)] (10) Any authorized delegate of a licensee, acting within the scope of  
26 authority conferred by a written contract as described in § 12-413 of this subtitle.

27 (b) Any person who is exempted by this section nevertheless may apply for  
28 and, if qualified, receive a license.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2005.