
By: **Delegate Bohanan**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

1 AN ACT concerning

2 **Financial Institutions - Maryland Money Transmission Act - Scope - Pilot**
 3 **Program**

4 FOR the purpose of excluding from the provisions of the Maryland Money
 5 Transmission Act a certain ~~institutions~~ institution of higher education for a
 6 limited period of time; providing for the termination of this Act; and generally
 7 relating to the scope of the Maryland Money Transmission Act.

8 BY repealing and reenacting, without amendments,
 9 Article - Education
 10 Section 10-101(f) and (g)
 11 Annotated Code of Maryland
 12 (2004 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article - Financial Institutions
 15 Section 12-402
 16 Annotated Code of Maryland
 17 (2003 Replacement Volume and 2004 Supplement)

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

1

Article - Education

2 10-101.

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

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

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

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

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

15

Article - Financial Institutions

16 12-402.

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

18 (1) Any banking institution;

19 (2) Any other-state bank;

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

21 (4) Any credit union;

22 (5) Any savings and loan association;

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

25 (7) ~~AN ACCREDITED INSTITUTION OF HIGHER EDUCATION, AS DEFINED~~
26 ~~IN § 10-101 ST. MARY'S COLLEGE OF MARYLAND, AS ESTABLISHED UNDER § 14-401 OF~~
27 ~~THE EDUCATION ARTICLE;~~

28 [(7)] (8) The sale of payment instruments by any person on behalf of any
29 other person who is exempted by this subsection, if the payment instruments were
30 received from the other person under a trust receipt for the specific purpose of sale;

31 [(8)] (9) The provision of electronic transfer of government benefits for
32 any federal, state, or county governmental agency as defined in Federal Reserve
33 Board Regulation E, by a contractor for and on behalf of the United States or any of

1 its departments, agencies, or instrumentalities, or any state or any political
2 subdivision of any state; or

3 [~~(9)~~] (10) Any authorized delegate of a licensee, acting within the scope of
4 authority conferred by a written contract as described in § 12-413 of this subtitle.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005. It shall remain effective for a period of 2 years and, at the end of
9 September 30, 2007, with no further action required by the General Assembly, this
10 Act shall be abrogated and of no further force and effect.