AMENDMENTS TO SENATE BILL 939
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “registering” insert “each year”; in line 8, strike “Commission” and substitute “Commissioner”; in the same line, after “circumstances,” insert “requiring a person to obtain and maintain a certain identifier to register as a check cashing service”; in line 9, strike “in a certain form” and substitute “through the Nationwide Multistate Licensing System and Registry (NMLS)”; in line 10, strike “who registers” and substitute “submitting an initial registration or a registration renewal”; strike beginning with “reregister” in line 10 down through “year” in line 11 and substitute “apply through NMLS on or after a certain date for the initial registration and each year thereafter for registration renewal; requiring a person submitting an initial registration or a registration renewal under certain provisions of this Act to pay to NMLS certain fees”; strike beginning with “requiring” in line 14 down through “link;” in line 15; in line 17, after “persons;” insert “authorizing the Commissioner to order a registrant to cease and desist from a course of conduct under certain circumstances; authorizing the Commissioner to suspend or revoke the registration of a registrant under certain circumstances; requiring the Commissioner to consider certain factors before suspending or revoking the registration of a registrant; requiring the Commissioner, before taking a certain action, to provide a registrant an opportunity for a hearing;”; and in line 21, strike “and 12-118” and substitute “12-118, 12-121, 12-122, and 12-123”.

AMENDMENT NO. 2

On page 3, in line 2, after “REGISTERING” insert “EACH YEAR”; in line 3, strike “AS A CHECK CASHING SERVICE” and substitute “UNDER THIS SECTION”; strike beginning with “FOR” in line 6 down through “LOCATION” in line 7 and substitute “THAT ARE INCIDENTAL TO THE RETAIL SALE OF GOODS OR SERVICES BY THE PERSON THAT IS PROVIDING THE CHECK CASHING SERVICES”; strike in their
entirely lines 13 and 14; in lines 15 and 21, strike “(6)” and “(7)”, respectively, and substitute “(5)” and “(6)”, respectively; in line 27, after “SHALL” insert “;

(1) **OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY NMLS WHEN AN ACCOUNT IS CREATED WITH NMLS; AND**

(2)”; in lines 27 and 28, strike “PROVIDE TO THE COMMISSIONER, IN A FORM” and substitute “PROVIDE INFORMATION”; and in line 28, after “COMMISSIONER” insert “THROUGH NMLS, INCLUDING”.

On page 4, in lines 1, 3, 5, 7, and 9, strike “(1)”, “(I)”, “(II)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “1.”, “2.”, “(II)”, and “(III)”, respectively; in line 17, strike “(A)”; strike beginning with “WHO” in line 11 down through “REGISTRATION” in line 13 and substitute “SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL APPLY THROUGH NMLS:”

(1) **FOR THE INITIAL REGISTRATION, ON OR AFTER NOVEMBER 1, 2020; AND**

(2) **FOR REGISTRATION RENEWAL, EACH YEAR THEREAFTER”**; in line 14, after “(D)” insert “A PERSON SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL PAY TO NMLS ANY FEES THAT NMLS IMPOSES IN CONNECTION WITH THE ISSUANCE OF THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION.

(E)”;
in the same line, strike “12-105” and substitute “12-106”; and in the same line, strike “12-127” and substitute “12-120”.

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 24 on page 5, inclusive.

On page 5, after line 24, insert:

“12–121.

Subject to the hearing provisions of § 12–123 of this subtitle, the Commissioner may order a licensee OR REGISTRANT to cease and desist from a course of conduct if the course of conduct results in an evasion or violation of this subtitle or a regulation adopted under this subtitle.

12–122.

(a) Subject to the hearing provisions of § 12–123 of this subtitle, the Commissioner may suspend or revoke the license of any licensee OR REGISTRATION OF ANY REGISTRANT if the licensee OR REGISTRANT, or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee OR REGISTRANT:

(1) Makes any material misstatement in an application for a license OR REGISTRATION;

(2) Is convicted under the laws of the United States or of any other state of:

(i) A felony; or
(ii) A misdemeanor that is directly related to the fitness and qualification of the person to provide check cashing services;

(3) In connection with any check cashing service:

(i) Commits any fraud;

(ii) Engages in any illegal or dishonest activities; or

(iii) Misrepresents or fails to disclose any material facts to anyone entitled to that information;

(4) Violates any provision of this subtitle or any rule or regulation adopted under this subtitle, or any other law regulating check cashing services in the State; or

(5) Otherwise demonstrates unworthiness, bad faith, dishonesty, or any other quality that indicates that the business of the licensee OR REGISTRANT has not been or will not be conducted honestly, fairly, equitably, and efficiently.

(b) In determining whether the license of the licensee OR REGISTRATION OF THE REGISTRANT should be suspended or revoked for a reason listed in subsection (a)(2) of this section, the Commissioner shall consider:

(1) The nature of the crime;

(2) The relationship of the crime to the activities authorized by the license OR REGISTRATION;

(3) With respect to a felony, the relevance of the conviction to the fitness and qualification of the licensee OR REGISTRANT to provide check cashing services;
(4) The length of time since the conviction; and

(5) The behavior and activities of the licensee OR REGISTRANT since the conviction.

12–123.

(a) Before the Commissioner takes any action under § 12–121, § 12–122, or § 12–126 of this subtitle, the Commissioner shall give the licensee OR REGISTRANT an opportunity for a hearing before the Commissioner.

(b) Notice of the hearing shall be given and the hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.”.