

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1361 Session of
2013

INTRODUCED BY ROSS, MILLER, GINGRICH AND MOUL, MAY 8, 2013

REFERRED TO COMMITTEE ON COMMERCE, MAY 8, 2013

AN ACT

1 Amending the act of February 18, 1998 (P.L.146, No.22), entitled
2 "An act regulating the check-cashing industry; providing for
3 the licensing of check cashers, for additional duties of the
4 Department of Banking and for certain terms and conditions of
5 the business of check cashing; and providing penalties for
6 money-laundering activities and violations of the act,"
7 further providing for definitions, for authority of the
8 department, for conditions for licensing and for fees and
9 charges.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "department" in section 103 of
13 the act of February 18, 1998 (P.L.146, No.22), known as the
14 Check Casher Licensing Act, is amended to read:

15 Section 103. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Department." The Department of Banking and Securities of
21 the Commonwealth.

22 * * *

1 Section 2. Section 104 of the act is amended to read:

2 Section 104. Authority of department.

3 (a) Authority.--The department shall have the authority to:

4 (1) Issue rules, regulations and orders as may be
5 necessary for the administration and enforcement of this act.

6 (2) Examine any check, document, account, book, record
7 or file relating to a check casher's business or operation
8 during regular business hours at the check casher's principal
9 office or to make such other investigation as may be
10 reasonably necessary to administer and enforce this act.

11 (3) Conduct administrative hearings on any matter
12 pertaining to this act, issue subpoenas to compel the
13 attendance of witnesses and the production of checks,
14 documents, accounts, books and records at any such hearing,
15 which may be retained by the department until the proceedings
16 are completed, and administer oaths and affirmations to any
17 person whose testimony is required. In the event a person
18 fails to comply with a subpoena issued by the department or
19 to testify on any matter concerning which that person may be
20 lawfully interrogated, on application by the department the
21 Commonwealth Court may issue an order requiring the
22 attendance and testimony of such person and requiring the
23 production of checks, documents, accounts, books and records
24 or may institute contempt of court penalties.

25 (b) Limitation.--The department may not require retail food
26 stores which must register with the department to register with
27 the National Mortgage Licensing System.

28 Section 3. Section 304(a) of the act is amended to read:

29 Section 304. Conditions for licensing.

30 (a) Conditions for license.--

1 (1) Except as provided in subsection (b), if the
2 department finds that the financial responsibility,
3 experience, character and general fitness of the applicant
4 warrants the conclusion that the business will be operated
5 honestly and fairly within the purpose of the act, the
6 department shall issue a check-casher license in accordance
7 with this act.

8 (2) A license shall be issued for the business location
9 specified in the application only and for mobile units to the
10 site or sites specified.

11 (3) Check cashers shall post a notice of exact fees and
12 charges, which shall be within the maximum prescribed in this
13 act. The notice should be in plain view and in a location
14 readily apparent to the consumer transacting business at each
15 check-casher location.

16 * * *

17 Section 4. Section 503(a) and (e) of the act, amended
18 December 9, 2002 (P.L.1546, No.200), are amended to read:
19 Section 503. Fees and charges.

20 (a) Allowable fees.--The licensee or any person subject to
21 any provision of this act may collect the following fees for
22 cashing a check:

23 (1) A sum not exceeding [2.5%] 1.5% of the face amount
24 of a government [assistance] check, provided the payee
25 submits valid identification in the form of a driver's
26 license, an identification card issued by the Department of
27 Transportation or the equivalent; or

28 (2) A sum not exceeding 3% of the face amount of a
29 payroll check.

30 (3) A sum not exceeding 10% of the face amount of a

1 personal check.

2 * * *

3 (e) Definition.--As used in this section, the term
4 "government [assistance] check" means a check issued by the
5 Federal Government or a state or local government, including on
6 a continuing periodic basis by a government agency for payment
7 to the recipient payee of Federal or State assistance, Social
8 Security, workers' compensation, unemployment compensation,
9 railroad retirement benefits or veterans' disability.

10 Section 5. This act shall take effect in 60 days.