

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4486

BY DELEGATES WHITE, FRICH, WESTFALL, LANE, QUEEN,
DEAN, MARTIN, ELDRIDGE, PHILLIPS, MOORE AND FOSTER

[Introduced February 9, 2018; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating
2 to persons required to obtain a license to engage in the business of currency exchange,
3 transportation, or transmission; and providing an exemption from licensure for certain
4 entities which administer the Electronic Filing Depository system on behalf of state
5 securities regulators.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. CHECKS AND MONEY ORDER SALES, MONEY TRANSMISSION
SERVICES, TRANSPORTATION AND CURRENCY EXCHANGE.**

§32A-2-3. Exemptions.

1 (a) The following are exempt from the provisions of this article:

2 (1) Banks, trust companies, foreign bank agencies, credit unions, savings banks, and
3 savings and loan associations authorized to do business in the state or which qualify as federally
4 insured depository institutions, whether organized under the laws of this state, any other state, or
5 the United States;

6 (2) The United States and any department or agency of the United States;

7 (3) The United States ~~post office~~ Postal Service;

8 (4) This state and any political subdivision of this state;

9 (5) The provision of electronic transfer of government benefits for any federal, state, or
10 county governmental agency as defined in Federal Reserve Board Regulation E, by a contractor
11 for and on behalf of the United States or any department, agency or instrumentality of the United
12 States, or any state or any political subdivisions of a state;

13 (6) Persons engaged solely in the business of currency transportation who operate an
14 armored car service in this state pursuant to licensure under §30-18-1 *et seq.* of this code:
15 *Provided*, That the net worth of the licensee exceeds \$5 million. The term “armored car service”
16 as used in this article means a service provided by a person transporting or offering to transport,

17 under armed security guard, currency or other things of value in a motor vehicle specially
18 equipped to offer a high degree of security. Persons seeking to claim this exemption shall notify
19 the commissioner of their intent to do so and demonstrate that they qualify for its use. Persons
20 seeking an exemption under this subdivision are not exempt from the provisions of this article if
21 they also engage in currency exchange or currency transmission;

22 (7) Persons engaged in the business of currency transportation whose activities are limited
23 exclusively to providing services to federally insured depository institutions, or to any federal,
24 state, or local governmental entities;

25 (8) Persons engaged solely in the business of removing currency from vending machines
26 providing goods or services, if the machines are not used for gambling purposes or to convey any
27 gambling ticket, token, or other device used in a game of chance; ~~and~~

28 (9) The State Regulatory Registry, LLC, which administers the Nationwide Mortgage
29 Licensing System and Registry on behalf of states and federal banking regulators: and

30 (10) The North American Securities Administrators Association and any subsidiaries,
31 which administer the Electronic Filing Depository system on behalf of state securities regulators.

32 (b) Any person who holds and maintains a valid license under this article may engage in
33 the business of money transmission or currency exchange at one or more locations through or by
34 means of an authorized delegate or delegates as set forth in section twenty-seven of this article,
35 as the licensee may designate and appoint from time to time. No such authorized delegate is
36 required to obtain a separate license under this article, but the use of sub-delegates is prohibited
37 and the authorized delegate may only conduct business on behalf of its licensee.

38 (c) The issuance and sale of stored value cards or similar prepaid products which are
39 intended to purchase items only from the issuer or seller of the stored value card is exempt from
40 the provisions of this article.

41 (d) Any person who is required and properly obtains a license under this article to transport
42 currency is exempt from the requirements of article eighteen, chapter thirty of this code.

NOTE: The purpose of this bill is to assist in the streamlining of filing with the West Virginia Securities Commission, and to potentially reduce the cost to filers by allowing use of a national database to make filings.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.