
A BILL FOR AN ACT

RELATING TO MONEY TRANSMITTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 489D, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§489D- Name change. To change its name, its fictitious
5 name, or its trade name, a money transmitter shall file an
6 application with the commissioner and pay a nonrefundable fee of
7 \$250 or such greater amount as the commissioner shall establish
8 by rule pursuant to chapter 91. The application shall be
9 approved if the commissioner is satisfied that the new name
10 complies with all applicable laws. Any change of name shall not
11 affect a money transmitter's rights, liabilities, or obligations
12 existing prior to the effective date thereof, and no documents
13 of transfer shall be necessary to preserve such rights,
14 liabilities, or obligations; provided that the commissioner may
15 require notice to be given to the public and other governmental
16 agencies.

17 §489D- Fees. The commissioner, by rules adopted in
18 accordance with chapter 91, may set reasonable fee amounts to be



1 collected by the division in connection with its regulatory
2 functions, including, without limitation, any fees for renewals,
3 applications, licenses, and examinations. Unless otherwise
4 provided by statute, all fees shall be deposited into the
5 compliance resolution fund established pursuant to section
6 26-9(o).

7 **§489D- Limited exemption for financial institutions;**
8 **financial institutions as authorized delegates.** (a) Banks,
9 bank holding companies, credit unions, building and loan
10 associations, savings and loan associations, savings banks,
11 financial services loan companies, and mutual banks organized
12 under the laws of the United States or any state shall be exempt
13 from the licensing and examination provisions of this chapter.

14 (b) An applicant or licensee may appoint an entity
15 described in subsection (a) as an authorized delegate.

16 (c) When submitting an application for a license pursuant
17 to section 489D-9, or when submitting an annual report pursuant
18 to section 489D-12, an applicant or licensee that appoints an
19 entity described in subsection (a) as an authorized delegate
20 shall include that entity's name and the locations in this State
21 where that entity will conduct its authorized delegate
22 activities.



1 (d) When computing the application and license fees
2 required to be paid pursuant to sections 489D-10 and 489D-12, an
3 applicant or licensee that appoints an entity described in
4 subsection (a) as an authorized delegate shall exclude all of
5 the locations in this State where that entity will conduct its
6 authorized delegate activities."

7 SECTION 2. Section 489D-4, Hawaii Revised Statutes, is
8 amended by adding a new definition to be appropriately inserted
9 and to read as follows:

10 "Principal" means any person, or group of persons acting
11 in concert, who exercises control over or has a twenty-five per
12 cent ownership interest in an applicant or licensee under this
13 chapter. Principal also includes a manager and anyone else who
14 supervises or is in charge of the applicant or licensee."

15 SECTION 3. Section 489D-4, Hawaii Revised Statutes, is
16 amended by amending the definition of "permissible investments"
17 to read as follows:

18 "Permissible investments" means:

- 19 (1) Cash;
- 20 (2) Certificates of deposit or other debt obligations of a
21 financial institution, either domestic or foreign;



- 1 (3) Bills of exchange or time drafts drawn on and accepted
2 by a commercial bank, known as bankers' acceptances,
3 that are eligible for purchase by member banks of the
4 Federal Reserve System;
- 5 (4) Any investment bearing a rating of one of the three
6 highest grades as defined by a nationally recognized
7 organization that rates securities;
- 8 (5) Investment securities that are obligations of the
9 United States, its agencies, or its instrumentalities,
10 obligations that are guaranteed fully as to principal
11 and interest [e~~f~~] by the United States, or any
12 obligations of any state, municipality, or any
13 political subdivision thereof;
- 14 (6) Shares in a money market mutual fund, interest-bearing
15 bills, notes, or bonds, debentures or stock traded on
16 any national securities exchange or on a national
17 over-the-counter market, mutual funds primarily
18 composed of these securities, or a fund composed of
19 one or more permissible investments as set forth in
20 this subsection;



- 1 (7) Any demand borrowing agreement or agreements made with
2 a corporation or a subsidiary of a corporation whose
3 capital stock is listed on a national exchange;
- 4 (8) Receivables that are due to a licensee from its
5 authorized delegates pursuant to a contract under
6 section 489D-21, that are not past due or doubtful of
7 collection; or
- 8 (9) Any other investments or security device approved by
9 the commissioner."

10 SECTION 4. Section 489D-5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) This chapter shall not apply to:

- 13 (1) The United States or any department, agency, or
14 instrumentality thereof;
- 15 (2) The United States Postal Service;
- 16 (3) The State or any political subdivisions thereof;
- 17 [~~4~~] ~~Banks, bank holding companies, credit unions, building~~
18 ~~and loan associations, savings and loan associations,~~
19 ~~savings banks, financial services loan companies, or~~
20 ~~mutual banks organized under the laws of the United~~
21 ~~States or any state, even if those entities act as~~
22 ~~authorized delegates for licensees and provided that~~



1 ~~they do not issue or sell payment instruments through~~
2 ~~authorized delegates who are not banks, bank holding~~
3 ~~companies, credit unions, building and loan~~
4 ~~associations, savings and loan associations, savings~~
5 ~~banks, financial services loan companies, or mutual~~
6 ~~banks,] and~~

7 ~~(4)~~ (4) The electronic transfer of government benefits
8 for any federal, state, or county governmental agency
9 as defined in Federal Reserve Board Regulation E, by a
10 contractor for, and on behalf of the United States or
11 any department, agency, or instrumentality thereof, or
12 any state or any political subdivisions thereof."

13 SECTION 5. Section 489D-9, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) An application for a license under this chapter shall
16 be made in writing, and in a form prescribed by the
17 commissioner. Each application shall contain the following:

18 (1) For all applicants:

19 (A) The exact name of the applicant, any fictitious
20 or trade name used by the applicant in the
21 conduct of its business, the applicant's



- 1 principal address, and the location of the
2 applicant's business records;
- 3 (B) The history of the applicant's material
4 litigation and criminal convictions for the five-
5 year period prior to the date of the application;
- 6 (C) A description of the business activities
7 conducted by the applicant and a history of
8 operations;
- 9 (D) A description of the business activities in which
10 the applicant seeks to engage within the State;
- 11 (E) A list identifying the applicant's proposed
12 authorized delegates in the State, if any, at the
13 time of the filing of the license application;
- 14 (F) A sample authorized delegate contract, if
15 applicable;
- 16 (G) A sample form of payment instrument, if
17 applicable;
- 18 (H) The locations where the applicant and its
19 authorized delegates, if any, propose to conduct
20 their licensed activities in the State; [and]
- 21 (I) The name and address of the clearing bank or
22 banks on which the applicant's payment



- 1 instruments will be drawn or through which
2 payment instruments will be payable;
- 3 (J) Disclosure of any pending or final suspension,
4 revocation, or other enforcement action by any
5 state or governmental authority for the five-year
6 period prior to the date of the application; and
- 7 (K) Any other information the commissioner may
8 require;
- 9 (2) If the applicant is a corporation, the applicant shall
10 also provide:
- 11 (A) The date of the applicant's incorporation and
12 state of incorporation;
- 13 (B) A certificate of good standing from the state in
14 which the applicant was incorporated;
- 15 (C) A description of the corporate structure of the
16 applicant, including the identity of any parent
17 or subsidiary company of the applicant, and the
18 disclosure of whether any parent or subsidiary
19 company is publicly traded on any stock exchange;
- 20 (D) The name, business and residence address, and
21 employment history, for the past five years, of
22 the applicant's executive officers and the



1 officers or managers who will be in charge of the
2 applicant's activities to be licensed under this
3 chapter;

4 (E) The name, business and residence address, and
5 employment history of any key shareholder of the
6 applicant, for the period of five years before
7 the date of the application;

8 (F) For the five-year period prior to the date of the
9 application, the history of material litigation
10 involving, and criminal convictions of, every
11 executive officer or key shareholder of the
12 applicant;

13 (G) A copy of the applicant's most recent audited
14 financial statement, including balance sheets,
15 statements of income or loss, statements of
16 changes in shareholder equity and statement of
17 changes in financial position, and, if available,
18 the applicant's audited financial statements for
19 the preceding two-year period or, if the
20 applicant is a wholly owned subsidiary of another
21 corporation, either the parent corporation's
22 consolidated audited financial statements for the



1 current year and for the preceding two-year
2 period, or the parent corporation's Form 10-K
3 reports filed with the United States Securities
4 and Exchange Commission for the prior three years
5 in lieu of the applicant's financial statements,
6 or if the applicant is a wholly owned subsidiary
7 of a corporation having its principal place of
8 business outside the United States, similar
9 documentation filed with the parent corporation's
10 non-United States regulator; [~~and~~]

11 (H) Copies of all filings, if any, made by the
12 applicant with the United States Securities and
13 Exchange Commission, or with a similar regulator
14 in a country other than the United States, within
15 the year preceding the date of filing of the
16 application; and

17 (I) Information necessary to conduct a criminal
18 history record check in accordance with section
19 846-2.7 of each of the executive officers, key
20 shareholders, and managers who will be in charge
21 of the applicant's activities, accompanied by the



1 appropriate payment of the applicable fee for
2 each record check; and

3 (3) If the applicant is not a corporation, the applicant
4 shall also provide:

5 (A) The name, business and residence address,
6 personal financial statement, and employment
7 history, for the past five years, of each
8 principal of the applicant;

9 (B) The name, business and residence address, and
10 employment history, for the past five years, of
11 any other persons who will be in charge of the
12 applicant's activities to be licensed under this
13 chapter;

14 (C) The place and date of the applicant's
15 registration or qualification to do business in
16 this State;

17 (D) The history of material litigation and criminal
18 convictions for the five-year period before the
19 date of the application for each individual
20 having any ownership interest in the applicant
21 and each individual who exercises supervisory



- 1 responsibility over the applicant's activities;
2 [~~and~~]
- 3 (E) Copies of the applicant's audited financial
4 statements, including balance sheets, statements
5 of income or loss, and statements of changes in
6 financial position for the current year and, if
7 available, for the preceding two-year period~~[-]~~;
8 and
- 9 (F) Information necessary to conduct a criminal
10 history record check in accordance with section
11 846-2.7 of each principal of the applicant,
12 accompanied by the appropriate payment of the
13 applicable fee for each record check."

14 SECTION 6. Section 489D-10, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

- 16 "(a) Each application shall be accompanied by:
- 17 (1) A [~~non-refundable~~] nonrefundable application fee in
18 the amount of [~~\$1,000~~] \$2,000 plus [~~\$100~~] \$300 for
19 each additional location in the State, not to exceed a
20 maximum fee of [~~\$4,000+~~] \$15,000; and



1 (2) [A] An annual license fee of [~~\$500~~ \$2,000 plus [~~\$100~~
2 \$300 for each additional location in the State, not to
3 exceed a maximum fee of [~~\$2,000.~~] \$15,000."

4 SECTION 7. Section 489D-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "~~[+]§489D-11[+]~~ Issuance of license[-]; grounds for

7 denial. (a) Upon the filing of a complete application, the
8 commissioner shall investigate the financial condition and
9 responsibility, financial and business experience, character,
10 and general fitness of the applicant. The commissioner may
11 conduct an on-site investigation of the applicant, the
12 reasonable cost of which shall be borne by the applicant.

13 (b) If the commissioner finds that:

14 (1) The applicant's business will be conducted honestly,
15 fairly, and in a manner commanding the confidence and
16 trust of the community;

17 (2) The applicant has fulfilled the requirements imposed
18 by this chapter; and

19 (3) The applicant has paid the required license fee,
20 the commissioner shall issue a license to the applicant
21 authorizing the applicant to engage in the licensed activities
22 in the State for a term [~~of one year.~~ ~~If these requirements~~



1 ~~have not been met, the commissioner shall deny the application~~
2 ~~in writing setting forth the reasons for the denial.]~~ expiring
3 on December 31 of the calendar year in which the license is
4 issued.

5 (c) If the commissioner is not satisfied that the
6 applicant meets all the criteria set forth for approval, the
7 commissioner shall issue a written decision denying the
8 application.

9 ~~(e)~~ (d) Any applicant aggrieved by a denial issued by
10 the commissioner under this chapter may submit a request for a
11 contested case hearing in accordance with chapter 91."

12 SECTION 8. Section 489D-12, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~(f)~~**\$489D-12** **Renewal of license and annual report.** (a)

15 On or before December 31 of each year, each licensee shall pay
16 to the commissioner an annual license fee of ~~[\$500]~~ \$2,000,
17 plus ~~[\$100]~~ \$300 for each ~~[authorized delegate]~~ additional
18 location in the State, not to exceed an aggregate fee of
19 ~~[\$2,000]~~ \$15,000.

20 (b) The annual license fee shall be accompanied by a
21 report, in a form prescribed by the commissioner, which shall
22 include:



- 1 (1) A copy of the licensee's most recent audited annual
2 financial statement, including balance sheets,
3 statement of income or loss, statement of changes in
4 shareholder's equity, and statement of changes in
5 financial position or, if a licensee is a wholly owned
6 subsidiary of another corporation, the consolidated
7 audited annual financial statement of the parent
8 corporation in lieu of the licensee's audited annual
9 financial statement;
- 10 (2) For the most recent quarter for which data is
11 available prior to the date of [~~the~~] filing [~~of~~] the
12 [~~renewal application,~~] annual report, but in no event
13 more than one hundred twenty days prior to the renewal
14 date, the licensee shall provide the number of payment
15 instruments sold by the licensee in the State, the
16 dollar amount of those instruments, and the dollar
17 amounts of those instruments currently outstanding;
- 18 (3) Any material changes to any of the information
19 submitted by the licensee on its original application
20 that have not previously been reported to the
21 commissioner on any other report required to be filed
22 under this chapter;



- 1 (4) ~~[A list of the licensee's permissible investments;~~
2 and] For the most recent quarter for which data is
3 available prior to the date of filing the annual
4 report, but in no event more than one hundred twenty
5 days prior to the renewal date, a list of the
6 licensee's permissible investments, including the
7 total market value of each type of permissible
8 investment, and the total dollar amount of all
9 outstanding payment instruments issued or sold by the
10 licensee in the United States;
- 11 (5) A list of the locations, if any, within this State
12 where business regulated by this chapter is being
13 conducted by either the licensee or the licensee's
14 authorized delegates[-];
- 15 (6) Disclosure of any pending or final suspension,
16 revocation, or other enforcement action by any state
17 or governmental authority; and
- 18 (7) Any other information the commissioner may require.
- 19 (c) A licensee that has not filed ~~[a renewal]~~ an annual
20 report that has been deemed complete by the commissioner or paid
21 its annual license fee by the renewal filing deadline, and has
22 not been granted an extension of time to do so by the



1 commissioner, shall have its license suspended on the renewal
2 date. The licensee has thirty days after its license is
3 suspended to file [~~a renewal~~] an annual report and pay the
4 annual license fee, plus a late filing fee of \$100 for each
5 business day after suspension that the commissioner does not
6 receive the [~~renewal~~] annual report and the annual license fee.
7 The commissioner, for good cause, may grant an extension of the
8 renewal date or reduce or suspend the \$100 per day late filing
9 fee."

10 SECTION 9. Section 489D-14, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"[+]§489D-14[+] Extraordinary reporting requirements.**

13 Within fifteen business days of the occurrence of any one of the
14 events listed below, a licensee shall file a written report with
15 the commissioner describing the event and its expected impact on
16 the licensee's activities in this State. These events are:

- 17 (1) Any material [~~changes~~] change in information provided
18 in a licensee's application or [~~renewal~~] annual
19 report;
- 20 (2) The filing for bankruptcy or reorganization by the
21 licensee;



1 (3) ~~[Revocation or suspension proceedings]~~ Pending or
2 final revocation, suspension, or other enforcement
3 action against the licensee by any state or
4 governmental authority relating to the licensee's
5 money transmission activities;

6 (4) Any felony indictment of the licensee or any of its
7 key shareholders, principals, executive officers ~~[or~~
8 ~~directors]~~, or officers or managers in charge of the
9 licensee's activities, related to money transmission
10 activities; ~~[or]~~ and

11 (5) Any felony conviction of the licensee or any of its
12 key shareholders, principals, executive officers ~~[or~~
13 ~~directors]~~, or officers or managers in charge of the
14 licensee's activities, related to money transmission
15 activities."

16 SECTION 10. Section 489D-15, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) A licensee shall ~~[give]~~ submit to the commissioner
19 ~~[written notice]~~ an application requesting approval of a
20 proposed change of control ~~[and request approval of the~~
21 ~~proposal.]~~ of the licensee, accompanied by a nonrefundable
22 application fee of \$2,000."



1 SECTION 11. Section 489D-19, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[§]~~ **489D-19** ~~[§]~~ **Confidentiality of records.** (a) The
4 commissioner and all employees, contractors, attorneys
5 contracted or employed by the State, and appointees of the
6 division of financial institutions shall not divulge or furnish
7 any information in their possession or obtained by them in the
8 course of their official duties to persons outside the division,
9 except to the director of commerce and consumer affairs, or
10 unless otherwise permitted by this section or any other law
11 regulating licensees or authorized delegates, in which case the
12 disclosure shall not authorize or permit any further disclosure
13 of the information. The disclosures prohibited by this section
14 shall include, without limitation, information that is:

- 15 (1) Privileged or exempt from disclosure under any federal
16 or state law;
- 17 (2) Related to an examination performed by or on behalf of
18 the commissioner or contained in any report of
19 examination;
- 20 (3) Contained in any report or application submitted to,
21 or for the use of the commissioner, except for the
22 nonproprietary portions of reports and



- 1 applications[+], as determined by the commissioner
2 pursuant to rule;
- 3 (4) Related to the business, personal, or financial
4 affairs of any person and is furnished to, or for the
5 use of, the commissioner in confidence;
- 6 (5) Privileged or confidential and related to trade
7 secrets and commercial or financial information
8 obtained from a person;
- 9 (6) Obtained pursuant to any lawful investigation for the
10 purpose of enforcing the laws regulating licensees or
11 authorized delegates;
- 12 (7) Related solely to the internal personnel rules or
13 other internal practices of the commissioner;
- 14 (8) Contained in personnel, medical, and similar files,
15 including financial files, the disclosure of which
16 would constitute a clearly unwarranted invasion of
17 personal privacy; or
- 18 (9) Contained in inter-agency and intra-agency
19 communications, whether or not contained in written
20 memoranda, letters, tapes, or records, that would not
21 be routinely available by law to a private party,



1 including memoranda, reports, and other documents
2 prepared by the staff of the commissioner.

3 (b) Any information identified in subsection (a) is
4 confidential and not subject to subpoena or other legal process.

5 (c) The commissioner shall furnish a copy of each report
6 of examination to the licensee [~~or~~] and to any authorized
7 delegate examined. The report and its contents shall remain the
8 property of the commissioner and shall not be disclosed to any
9 person who is not an officer, director, employee, authorized
10 auditor, attorney, other consultant, or advisor of the licensee
11 or authorized delegate. Any person who has received the report
12 from the licensee or authorized delegate shall be bound by the
13 confidentiality provisions of this section. The report and its
14 contents shall not be subject to subpoena or other legal process
15 requiring disclosure.

16 (d) The commissioner may furnish reports of examination
17 and other information relating to the examination of a licensee
18 or authorized delegate to:

19 (1) The governor, the attorney general, and heads of other
20 state governmental agencies having regulatory
21 authority over the licensee or authorized delegate;



- 1 (2) Federal, state, or foreign regulatory agencies if the
2 requesting agency agrees to use the information only
3 for functions directly related to the exercise of its
4 appropriate supervisory authority; and
5 (3) Other agencies of the United States or a state for use
6 where necessary to investigate regulatory, civil, or
7 criminal charges in connection with the affairs of any
8 licensee or authorized delegate under the supervision
9 of the commissioner."

10 SECTION 12. Section 489D-22, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) All money transmissions, sales, or issuances of
13 payment instruments conducted by authorized delegates shall be
14 in accordance with the licensee's written procedures provided to
15 the authorized delegate[+] and shall comply with all applicable
16 federal and state laws, rules, and regulations."

17 SECTION 13. Section 489D-28, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~+~~**§489D-28**~~+~~ **Civil penalties.** (a) The commissioner
20 may assess a fine against a person who violates this chapter or
21 a rule adopted or an order issued under this chapter in an
22 amount not to exceed \$500 per day for each day the violation is



1 outstanding, plus the State's costs and expenses for the
2 investigation and prosecution of the matter, including
3 reasonable attorneys' fees.

4 (b) All administrative fines collected under authority of
5 this chapter shall be deposited in the compliance resolution
6 fund established pursuant to section 26-9(o)."

7 SECTION 14. Section 846-2.7, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Criminal history record checks may be conducted by:

10 (1) The department of health on operators of adult foster
11 homes or developmental disabilities domiciliary homes
12 and their employees, as provided by section 333F-22;

13 (2) The department of health on prospective employees,
14 persons seeking to serve as providers, or
15 subcontractors in positions that place them in direct
16 contact with clients when providing non-witnessed
17 direct mental health services as provided by section
18 321-171.5;

19 (3) The department of health on all applicants for
20 licensure for, operators for, and prospective
21 employees, and volunteers at one or more of the
22 following: skilled nursing facility, intermediate



1 care facility, adult residential care home, expanded
2 adult residential care homes, assisted living
3 facility, home health agency, hospice, adult day
4 health center, special treatment facility, therapeutic
5 living program, intermediate care facility for the
6 mentally retarded, hospital, rural health center and
7 rehabilitation agency, and, in the case of any of the
8 above-related facilities operating in a private
9 residence, on any adult living in the facility other
10 than the client as provided by section 321-15.2;

11 (4) The department of education on employees, prospective
12 employees, and teacher trainees in any public school
13 in positions that necessitate close proximity to
14 children as provided by section 302A-601.5;

15 (5) The counties on employees and prospective employees
16 who may be in positions that place them in close
17 proximity to children in recreation or child care
18 programs and services;

19 (6) The county liquor commissions on applicants for liquor
20 licenses as provided by section 281-53.5;

21 (7) The department of human services on operators and
22 employees of child caring institutions, child placing



- 1 organizations, and foster boarding homes as provided
2 by section 346-17;
- 3 (8) The department of human services on prospective
4 adoptive parents as established under section
5 346-19.7;
- 6 (9) The department of human services on applicants to
7 operate child care facilities, prospective employees
8 of the applicant, and new employees of the provider
9 after registration or licensure as provided by section
10 346-154;
- 11 (10) The department of human services on persons exempt
12 pursuant to section 346-152 to be eligible to provide
13 child care and receive child care subsidies as
14 provided by section 346-152.5;
- 15 (11) The department of human services on operators and
16 employees of home and community-based case management
17 agencies and operators and other adults, except for
18 adults in care, residing in foster family homes as
19 provided by section 346-335;
- 20 (12) The department of human services on staff members of
21 the Hawaii youth correctional facility as provided by
22 section 352-5.5;



- 1 (13) The department of human services on employees,
2 prospective employees, and volunteers of contracted
3 providers and subcontractors in positions that place
4 them in close proximity to youth when providing
5 services on behalf of the office or the Hawaii youth
6 correctional facility as provided by section 352D-4.3;
- 7 (14) The judiciary on employees and applicants at detention
8 and shelter facilities as provided by section 571-34;
- 9 (15) The department of public safety on employees and
10 prospective employees who are directly involved with
11 the treatment and care of persons committed to a
12 correctional facility or who possess police powers
13 including the power of arrest as provided by section
14 353C-5;
- 15 (16) The department of commerce and consumer affairs on
16 applicants for private detective or private guard
17 licensure as provided by section 463-9;
- 18 (17) Private schools and designated organizations on
19 employees and prospective employees who may be in
20 positions that necessitate close proximity to
21 children; provided that private schools and designated
22 organizations receive only indications of the states



1 from which the national criminal history record
2 information was provided as provided by section
3 302C-1;

4 (18) The public library system on employees and prospective
5 employees whose positions place them in close
6 proximity to children as provided by section
7 302A-601.5;

8 (19) The State or any of its branches, political
9 subdivisions, or agencies on applicants and employees
10 holding a position that has the same type of contact
11 with children, dependent adults, or persons committed
12 to a correctional facility as other public employees
13 who hold positions that are authorized by law to
14 require criminal history record checks as a condition
15 of employment as provided by section 78-2.7;

16 (20) The department of human services on licensed adult day
17 care center operators, employees, new employees,
18 subcontracted service providers and their employees,
19 and adult volunteers as provided by section 346-97;

20 (21) The department of human services on purchase of
21 service contracted and subcontracted service providers
22 and their employees serving clients of the adult and



1 community care services branch, as provided by section
2 346-97;

3 (22) The department of human services on foster grandparent
4 program, senior companion program, and respite
5 companion program participants as provided by section
6 346-97;

7 (23) The department of human services on contracted and
8 subcontracted service providers and their current and
9 prospective employees that provide home and community-
10 based services under Section 1915(c) of the Social
11 Security Act (42 U.S.C. §1396n(c)), as provided by
12 section 346-97; [and]

13 (24) The department of commerce and consumer affairs on
14 each principal of the applicant if it is a non-
15 corporate applicant for a money transmitter license;
16 and on the applicant's executive officers, key
17 shareholders, and managers who will be in charge of a
18 money transmitter's activities if it is a corporate
19 applicant for a money transmitter license, as provided
20 by section 489D-9; and



1 [~~24~~] (25) Any other organization, entity, or the State,
2 its branches, political subdivisions, or agencies as
3 may be authorized by state law."

4 SECTION 15. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 16. This Act shall take effect upon its approval.



Report Title:

Money Transmitters

Description:

Amends the Money Transmitters Act, Chapter 489D, Hawaii Revised Statutes, to amend the fee structure, enhance consumer protection, make necessary clarifications, and correct errors and omissions, to effectively regulate the industry. (SD1)

