
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.



1 **\$489D- Fees.** Unless otherwise provided by statute, all
2 fees shall be deposited into the compliance resolution fund
3 established pursuant to section 26-9(o).

4 **\$489D- Limited exemption for financial institutions;**
5 **financial institutions as authorized delegates.** (a) Banks,
6 bank holding companies, credit unions, building and loan
7 associations, savings and loan associations, savings banks,
8 financial services loan companies, and mutual banks organized
9 under the laws of the United States or any state shall be exempt
10 from the licensing and examination provisions of this chapter.

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

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

20 (d) When computing the application and license fees
21 required to be paid pursuant to sections 489D-10 and 489D-12, an
22 applicant or licensee that appoints an entity described in



1 subsection (a) as an authorized delegate shall exclude all of
2 the locations in this State where that entity will conduct its
3 authorized delegate activities."

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

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

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

15 "Permissible investments" means:

- 16 (1) Cash;
- 17 (2) Certificates of deposit or other debt obligations of a
18 financial institution, either domestic or foreign;
- 19 (3) Bills of exchange or time drafts drawn on and accepted
20 by a commercial bank, known as bankers' acceptances,
21 that are eligible for purchase by member banks of the
22 Federal Reserve System;



- 1 (4) Any investment bearing a rating of one of the three
2 highest grades as defined by a nationally recognized
3 organization that rates securities;
- 4 (5) Investment securities that are obligations of the
5 United States, its agencies, or its instrumentalities,
6 obligations that are guaranteed fully as to principal
7 and interest [of] by the United States, or any
8 obligations of any state, municipality, or any
9 political subdivision thereof;
- 10 (6) Shares in a money market mutual fund, interest-bearing
11 bills, notes, or bonds, debentures or stock traded on
12 any national securities exchange or on a national
13 over-the-counter market, mutual funds primarily
14 composed of these securities, or a fund composed of
15 one or more permissible investments as set forth in
16 this subsection;
- 17 (7) Any demand borrowing agreement or agreements made with
18 a corporation or a subsidiary of a corporation whose
19 capital stock is listed on a national exchange;
- 20 (8) Receivables that are due to a licensee from its
21 authorized delegates pursuant to a contract under



1 section 489D-21, that are not past due or doubtful of
2 collection; or

3 (9) Any other investments or security device approved by
4 the commissioner."

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

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

8 (1) The United States or any department, agency, or
9 instrumentality thereof;

10 (2) The United States Postal Service;

11 (3) The State or any political subdivisions thereof;

12 [~~4~~] ~~Banks, bank holding companies, credit unions, building~~
13 ~~and loan associations, savings and loan associations,~~
14 ~~savings banks, financial services loan companies, or~~
15 ~~mutual banks organized under the laws of the United~~
16 ~~States or any state, even if these entities act as~~
17 ~~authorized delegates for licensees and provided that~~
18 ~~they do not issue or sell payment instruments through~~
19 ~~authorized delegates who are not banks, bank holding~~
20 ~~companies, credit unions, building and loan~~
21 ~~associations, savings and loan associations, savings~~



1 ~~banks, financial services loan companies, or mutual~~
2 ~~banks,~~] and

3 [+5+] (4) The electronic transfer of government benefits
4 for any federal, state, or county governmental agency
5 as defined in Federal Reserve Board Regulation E, by a
6 contractor for, and on behalf of the United States or
7 any department, agency, or instrumentality thereof, or
8 any state or any political subdivisions thereof."

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

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

14 (1) For all applicants:

15 (A) The exact name of the applicant, any fictitious
16 or trade name used by the applicant in the
17 conduct of its business, the applicant's
18 principal address, and the location of the
19 applicant's business records;

20 (B) The history of the applicant's material
21 litigation and criminal convictions for the five-
22 year period prior to the date of the application;



- 1 (C) A description of the business activities
- 2 conducted by the applicant and a history of
- 3 operations;
- 4 (D) A description of the business activities in which
- 5 the applicant seeks to engage within the State;
- 6 (E) A list identifying the applicant's proposed
- 7 authorized delegates in the State, if any, at the
- 8 time of the filing of the license application;
- 9 (F) A sample authorized delegate contract, if
- 10 applicable;
- 11 (G) A sample form of payment instrument, if
- 12 applicable;
- 13 (H) The locations where the applicant and its
- 14 authorized delegates, if any, propose to conduct
- 15 their licensed activities in the State; [~~and~~]
- 16 (I) The name and address of the clearing bank or
- 17 banks on which the applicant's payment
- 18 instruments will be drawn or through which
- 19 payment instruments will be payable;
- 20 (J) Disclosure of any pending or final suspension,
- 21 revocation, or other enforcement action by any



1 state or governmental authority for the five-year
2 period prior to the date of the application; and
3 (K) Any other information the commissioner may
4 require;

5 (2) If the applicant is a corporation, the applicant shall
6 also provide:

- 7 (A) The date of the applicant's incorporation and
8 state of incorporation;
- 9 (B) A certificate of good standing from the state in
10 which the applicant was incorporated;
- 11 (C) A description of the corporate structure of the
12 applicant, including the identity of any parent
13 or subsidiary company of the applicant, and the
14 disclosure of whether any parent or subsidiary
15 company is publicly traded on any stock exchange;
- 16 (D) The name, business and residence address, and
17 employment history, for the past five years, of
18 the applicant's executive officers and the
19 officers or managers who will be in charge of the
20 applicant's activities to be licensed under this
21 chapter;



- 1 (E) The name, business and residence address, and
2 employment history of any key shareholder of the
3 applicant, for the period of five years before
4 the date of the application;
- 5 (F) For the five-year period prior to the date of the
6 application, the history of material litigation
7 involving, and criminal convictions of, every
8 executive officer or key shareholder of the
9 applicant;
- 10 (G) A copy of the applicant's most recent audited
11 financial statement, including balance sheets,
12 statements of income or loss, statements of
13 changes in shareholder equity and statement of
14 changes in financial position, and, if available,
15 the applicant's audited financial statements for
16 the preceding two-year period or, if the
17 applicant is a wholly owned subsidiary of another
18 corporation, either the parent corporation's
19 consolidated audited financial statements for the
20 current year and for the preceding two-year
21 period, or the parent corporation's Form 10-K
22 reports filed with the United States Securities



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

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

14 (I) Information necessary to conduct a criminal
15 history record check in accordance with section
16 846-2.7 of each of the executive officers, key
17 shareholders, and managers who will be in charge
18 of the applicant's activities, accompanied by the
19 appropriate payment of the applicable fee for
20 each record check; and

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



- 1 (A) The name, business and residence address,
2 personal financial statement, and employment
3 history, for the past five years, of each
4 principal of the applicant;
- 5 (B) The name, business and residence address, and
6 employment history, for the past five years, of
7 any other persons who will be in charge of the
8 applicant's activities to be licensed under this
9 chapter;
- 10 (C) The place and date of the applicant's
11 registration or qualification to do business in
12 this State;
- 13 (D) The history of material litigation and criminal
14 convictions for the five-year period before the
15 date of the application for each individual
16 having any ownership interest in the applicant
17 and each individual who exercises supervisory
18 responsibility over the applicant's activities;
19 [and]
- 20 (E) Copies of the applicant's audited financial
21 statements, including balance sheets, statements
22 of income or loss, and statements of changes in



1 financial position for the current year and, if
2 available, for the preceding two-year period[-];
3 and
4 (F) Information necessary to conduct a criminal
5 history record check in accordance with section
6 846-2.7 of each principal of the applicant,
7 accompanied by the appropriate payment of the
8 applicable fee for each record check."

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

11 "(a) Each application shall be accompanied by:

- 12 (1) A [~~non-refundable~~] nonrefundable application fee in
13 the amount of [~~\$1,000~~] \$2,000 plus [~~\$100~~] \$300 for
14 each additional location in the State, not to exceed
15 [~~a maximum~~] an aggregate fee of [~~\$4,000~~] \$15,000; and
16 (2) [A] An annual license fee of [~~\$500~~] \$2,000 plus [~~\$100~~]
17 \$300 for each additional location in the State, not to
18 exceed [~~a maximum~~] an aggregate fee of [~~\$2,000~~]
19 \$15,000."

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



1 "~~+~~§489D-11~~+~~ Issuance of license~~+~~; grounds for
2 denial. (a) Upon the filing of a complete application, the
3 commissioner shall investigate the financial condition and
4 responsibility, financial and business experience, character,
5 and general fitness of the applicant. The commissioner may
6 conduct an on-site investigation of the applicant, the
7 reasonable cost of which shall be borne by the applicant.

8 (b) If the commissioner finds that:

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

12 (2) The applicant has fulfilled the requirements imposed
13 by this chapter; and

14 (3) The applicant has paid the required license fee,
15 the commissioner shall issue a license to the applicant
16 authorizing the applicant to engage in the licensed activities
17 in the State for a term ~~[of one year. If these requirements~~
18 ~~have not been met, the commissioner shall deny the application~~
19 ~~in writing setting forth the reasons for the denial.] expiring~~
20 on December 31 of the calendar year in which the license is
21 issued.



1 (c) If the commissioner is not satisfied that the
2 applicant meets all the criteria set forth for approval, the
3 commissioner shall issue a written decision denying the
4 application.

5 [~~e~~] (d) Any applicant aggrieved by a denial issued by
6 the commissioner under this chapter may submit a request for a
7 contested case hearing in accordance with chapter 91."

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

10 "~~489D-12~~ **Renewal of license and annual report.** (a)
11 On or before December 31 of each year, each licensee shall pay
12 to the commissioner an annual license fee of [~~\$500~~] \$2,000,
13 plus [~~\$100~~] \$300 for each [~~authorized delegate~~] additional
14 location in the State, not to exceed an aggregate fee of
15 [~~\$2,000~~] \$15,000.

16 (b) The annual license fee shall be accompanied by a
17 report, in a form prescribed by the commissioner, which shall
18 include:

19 (1) A copy of the licensee's most recent audited annual
20 financial statement, including balance sheets,
21 statement of income or loss, statement of changes in
22 shareholder's equity, and statement of changes in



1 financial position or, if a licensee is a wholly owned
2 subsidiary of another corporation, the consolidated
3 audited annual financial statement of the parent
4 corporation in lieu of the licensee's audited annual
5 financial statement;

6 (2) For the most recent quarter for which data is
7 available prior to the date of ~~[the]~~ filing ~~[of]~~ the
8 ~~[renewal application,]~~ annual report, but in no event
9 more than one hundred twenty days prior to the renewal
10 date, the licensee shall provide the number of payment
11 instruments sold by the licensee in the State, the
12 dollar amount of those instruments, and the dollar
13 amounts of those instruments currently outstanding;

14 (3) Any material changes to any of the information
15 submitted by the licensee on its original application
16 that have not previously been reported to the
17 commissioner on any other report required to be filed
18 under this chapter;

19 (4) ~~[A list of the licensee's permissible investments,~~
20 and] For the most recent quarter for which data is
21 available prior to the date of filing the annual
22 report, but in no event more than one hundred twenty



1 days prior to the renewal date, a list of the
2 licensee's permissible investments, including the
3 total market value of each type of permissible
4 investment, and the total dollar amount of all
5 outstanding payment instruments issued or sold by the
6 licensee in the United States;

7 (5) A list of the locations, if any, within this State
8 where business regulated by this chapter is being
9 conducted by either the licensee or the licensee's
10 authorized delegates[-];

11 (6) Disclosure of any pending or final suspension,
12 revocation, or other enforcement action by any state
13 or governmental authority; and

14 (7) Any other information the commissioner may require.

15 (c) A licensee that has not filed [~~a renewal~~] an annual
16 report that has been deemed complete by the commissioner or paid
17 its annual license fee by the renewal filing deadline, and has
18 not been granted an extension of time to do so by the
19 commissioner, shall have its license suspended on the renewal
20 date. The licensee has thirty days after its license is
21 suspended to file [~~a renewal~~] an annual report and pay the
22 annual license fee, plus a late filing fee of \$100 for each



1 business day after suspension that the commissioner does not
2 receive the [~~renewal~~] annual report and the annual license fee.
3 The commissioner, for good cause, may grant an extension of the
4 renewal date or reduce or suspend the \$100 per day late filing
5 fee."

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

8 "~~{}~~**\$489D-14**~~}~~ **Extraordinary reporting requirements.**

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

- 13 (1) Any material [~~changes~~] change in information provided
14 in a licensee's application or [~~renewal~~] annual
15 report;
- 16 (2) The filing for bankruptcy or reorganization by the
17 licensee;
- 18 (3) [~~Revocation or suspension proceedings~~] Pending or
19 final revocation, suspension, or other enforcement
20 action against the licensee by any state or
21 governmental authority relating to the licensee's
22 money transmission activities;



1 (4) Any felony indictment of the licensee or any of its
2 key shareholders, principals, executive officers [~~or~~
3 ~~directors~~], or officers or managers in charge of the
4 licensee's activities, related to money transmission
5 activities; [~~or~~] and

6 (5) Any felony conviction 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."

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

13 "(a) A licensee shall [~~give~~] submit to the commissioner
14 [~~written notice~~] an application requesting approval of a
15 proposed change of control [~~and request approval of the~~
16 ~~proposal.~~] of the licensee, accompanied by a nonrefundable
17 application fee of \$2,000."

18 SECTION 11. Section 489D-17, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§489D-17[+] **Examinations.** (a) The commissioner may
21 conduct an annual on site examination of a licensee upon sixty
22 days written notice to the licensee. The commissioner may



1 examine a licensee without prior notice if the commissioner has
2 a reasonable basis to believe that the licensee is not in
3 compliance with this chapter. [~~When the commissioner concludes~~
4 ~~that an on site examination of a licensee is necessary, the~~
5 ~~licensee shall pay all reasonably incurred costs of the~~
6 ~~examination.~~] The on site examination may be conducted in
7 conjunction with examinations performed by representatives of
8 agencies of the federal government, or of another state or
9 states. The commissioner, in lieu of an on site examination,
10 may accept the examination report of the federal government, an
11 agency of another state, or an independent accounting firm.
12 Accepted reports are considered, for all purposes, an official
13 report of the commissioner. The licensee shall bear the cost of
14 reasonable expenses incurred by the division, agencies of
15 another state, or an independent licensed or certified public
16 accountant in conducting an examination or making a report.

17 (b) The commissioner may request financial data from a
18 licensee in addition to that required under section 489D-12, or
19 conduct an on site examination of any authorized delegate or
20 location of a licensee within the State without prior notice to
21 the authorized delegate or licensee only if the commissioner has
22 a reasonable basis to believe that the licensee or authorized



1 delegate is not in compliance with this chapter. When the
2 commissioner examines an authorized delegate's operations, the
3 authorized delegate shall pay all reasonably incurred costs of
4 the examination. When the commissioner examines a licensee's
5 location within the State, the licensee shall pay all reasonably
6 incurred costs of the examination.

7 (c) The commissioner shall charge an examination fee to
8 each licensed money transmitter and authorized delegate examined
9 or investigated by the commissioner or the commissioner's staff,
10 based upon the cost per hour per examiner. Effective July 1,
11 2008, the hourly fee shall be \$60.

12 (d) In addition to the examination fee, the commissioner
13 shall charge any money transmitter or authorized delegate
14 examined or investigated by the commissioner or the
15 commissioner's staff, additional amounts for travel, per diem,
16 mileage, and other reasonable expenses incurred in connection
17 with the examination."

18 SECTION 12. Section 489D-19, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§489D-19[+] **Confidentiality of records.** (a) The
21 commissioner and all employees, contractors, attorneys
22 contracted or employed by the State, and appointees of the



1 division of financial institutions shall not divulge or furnish
2 any information in their possession or obtained by them in the
3 course of their official duties to persons outside the division,
4 except to the director of commerce and consumer affairs, or
5 unless otherwise permitted by this section or any other law
6 regulating licensees or authorized delegates, in which case the
7 disclosure shall not authorize or permit any further disclosure
8 of the information. The disclosures prohibited by this section
9 shall include, without limitation, information that is:

- 10 (1) Privileged or exempt from disclosure under any federal
11 or state law;
- 12 (2) Related to an examination performed by or on behalf of
13 the commissioner or contained in any report of
14 examination;
- 15 (3) Contained in any report or application submitted to,
16 or for the use of the commissioner, except for the
17 nonproprietary portions of reports and
18 applications[+], as determined by the commissioner
19 pursuant to rule;
- 20 (4) Related to the business, personal, or financial
21 affairs of any person and is furnished to, or for the
22 use of, the commissioner in confidence;



- 1 (5) Privileged or confidential and related to trade
2 secrets and commercial or financial information
3 obtained from a person;
- 4 (6) Obtained pursuant to any lawful investigation for the
5 purpose of enforcing the laws regulating licensees or
6 authorized delegates;
- 7 (7) Related solely to the internal personnel rules or
8 other internal practices of the commissioner;
- 9 (8) Contained in personnel, medical, and similar files,
10 including financial files, the disclosure of which
11 would constitute a clearly unwarranted invasion of
12 personal privacy; or
- 13 (9) Contained in inter-agency and intra-agency
14 communications, whether or not contained in written
15 memoranda, letters, tapes, or records, that would not
16 be routinely available by law to a private party,
17 including memoranda, reports, and other documents
18 prepared by the staff of the commissioner.
- 19 (b) Any information identified in subsection (a) is
20 confidential and not subject to subpoena or other legal process.
- 21 (c) The commissioner shall furnish a copy of each report
22 of examination to the licensee [~~or~~] and to any authorized



1 delegate examined. The report and its contents shall remain the
2 property of the commissioner and shall not be disclosed to any
3 person who is not an officer, director, employee, authorized
4 auditor, attorney, other consultant, or advisor of the licensee
5 or authorized delegate. Any person who has received the report
6 from the licensee or authorized delegate shall be bound by the
7 confidentiality provisions of this section. The report and its
8 contents shall not be subject to subpoena or other legal process
9 requiring disclosure.

10 (d) The commissioner may furnish reports of examination
11 and other information relating to the examination of a licensee
12 or authorized delegate to:

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

16 (2) Federal, state, or foreign regulatory agencies if the
17 requesting agency agrees to use the information only
18 for functions directly related to the exercise of its
19 appropriate supervisory authority; and

20 (3) Other agencies of the United States or a state for use
21 where necessary to investigate regulatory, civil, or
22 criminal charges in connection with the affairs of any



1 licensee or authorized delegate under the supervision
2 of the commissioner."

3 SECTION 13. Section 489D-22, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) All money transmissions, sales, or issuances of
6 payment instruments conducted by authorized delegates shall be
7 in accordance with the licensee's written procedures provided to
8 the authorized delegate[-] and shall comply with all applicable
9 federal and state laws, rules, and regulations."

10 SECTION 14. Section 489D-28, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~[-]~~**§489D-28**~~[+]~~ **Civil penalties.** (a) The commissioner
13 may assess a fine against a person who violates this chapter or
14 a rule adopted or an order issued under this chapter in an
15 amount not to exceed \$500 per day for each day the violation is
16 outstanding, plus the State's costs and expenses for the
17 investigation and prosecution of the matter, including
18 reasonable attorneys' fees.

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



1 SECTION 15. Section 846-2.7, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

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

7 (2) The department of health on prospective employees,
8 persons seeking to serve as providers, or
9 subcontractors in positions that place them in direct
10 contact with clients when providing non-witnessed
11 direct mental health services as provided by section
12 321-171.5;

13 (3) The department of health on all applicants for
14 licensure for, operators for, and prospective
15 employees, and volunteers at one or more of the
16 following: skilled nursing facility, intermediate
17 care facility, adult residential care home, expanded
18 adult residential care homes, assisted living
19 facility, home health agency, hospice, adult day
20 health center, special treatment facility, therapeutic
21 living program, intermediate care facility for the
22 mentally retarded, hospital, rural health center and



1 rehabilitation agency, and, in the case of any of the
2 above-related facilities operating in a private
3 residence, on any adult living in the facility other
4 than the client as provided by section 321-15.2;

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

9 (5) The counties on employees and prospective employees
10 who may be in positions that place them in close
11 proximity to children in recreation or child care
12 programs and services;

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

15 (7) The department of human services on operators and
16 employees of child caring institutions, child placing
17 organizations, and foster boarding homes as provided
18 by section 346-17;

19 (8) The department of human services on prospective
20 adoptive parents as established under section
21 346-19.7;



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



- 1 services on behalf of the office or the Hawaii youth
2 correctional facility as provided by section 352D-4.3;
- 3 (14) The judiciary on employees and applicants at detention
4 and shelter facilities as provided by section 571-34;
- 5 (15) The department of public safety on employees and
6 prospective employees who are directly involved with
7 the treatment and care of persons committed to a
8 correctional facility or who possess police powers
9 including the power of arrest as provided by section
10 353C-5;
- 11 (16) The department of commerce and consumer affairs on
12 applicants for private detective or private guard
13 licensure as provided by section 463-9;
- 14 (17) Private schools and designated organizations on
15 employees and prospective employees who may be in
16 positions that necessitate close proximity to
17 children; provided that private schools and designated
18 organizations receive only indications of the states
19 from which the national criminal history record
20 information was provided as provided by section
21 302C-1;



- 1 (18) The public library system on employees and prospective
2 employees whose positions place them in close
3 proximity to children as provided by section
4 302A-601.5;
- 5 (19) The State or any of its branches, political
6 subdivisions, or agencies on applicants and employees
7 holding a position that has the same type of contact
8 with children, dependent adults, or persons committed
9 to a correctional facility as other public employees
10 who hold positions that are authorized by law to
11 require criminal history record checks as a condition
12 of employment as provided by section 78-2.7;
- 13 (20) The department of human services on licensed adult day
14 care center operators, employees, new employees,
15 subcontracted service providers and their employees,
16 and adult volunteers as provided by section 346-97;
- 17 (21) The department of human services on purchase of
18 service contracted and subcontracted service providers
19 and their employees serving clients of the adult and
20 community care services branch, as provided by section
21 346-97;



- 1 (22) The department of human services on foster grandparent
2 program, senior companion program, and respite
3 companion program participants as provided by section
4 346-97;
- 5 (23) The department of human services on contracted and
6 subcontracted service providers and their current and
7 prospective employees that provide home and community-
8 based services under Section 1915(c) of the Social
9 Security Act (42 U.S.C. §1396n(c)), as provided by
10 section 346-97; [~~and~~]
- 11 (24) The department of commerce and consumer affairs on
12 each principal of the applicant if it is a
13 non-corporate applicant for a money transmitter
14 license; and on the applicant's executive officers,
15 key shareholders, and managers who will be in charge
16 of a money transmitter's activities if it is a
17 corporate applicant for a money transmitter license,
18 as provided by section 489D-9; and
- 19 [~~(24)~~] (25) Any other organization, entity, or the State,
20 its branches, political subdivisions, or agencies as
21 may be authorized by state law."



1 SECTION 16. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 17. This Act shall take effect on July 1, 2050.



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.
Eff. 7/1/2050. (SD2)

