
A BILL FOR AN ACT

RELATING TO MONEY TRANSMITTERS.

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

1 SECTION 1. Section 489D-7, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The security device shall be in a form satisfactory
4 to the commissioner and shall run to the State for the benefit
5 of any claimants against the licensee to secure the faithful
6 performance of the obligations of the licensee relating to the
7 receipt, handling, transmission, and payment of money or
8 monetary value in connection with [~~the sale and issuance of~~
9 ~~payment instruments or transmission of~~] money[~~-~~] transmissions.

10 In the case of a bond, the aggregate liability of the surety
11 shall not exceed the principal sum of the bond. Claimants
12 against the licensee may bring suit directly on the security
13 device or the commissioner may bring suit on behalf of the
14 claimants, either in one action or in successive actions."

15 SECTION 2. Section 489D-34, Hawaii Revised Statutes, is
16 amended to read as follows:



1 " ~~[f] §489D-34 [f] Rules. The commissioner may adopt]~~ Powers
2 of the commissioner. In addition to any other powers provided
3 by law, the commissioner may:

4 (1) Adopt rules pursuant to chapter 91 to implement this
5 chapter[-];

6 (2) Administer and enforce the provisions and requirements
7 of this chapter;

8 (3) Issue declaratory rulings and informal nonbinding
9 interpretations;

10 (4) Develop requirements for licensure;

11 (5) Process and investigate complaints, subpoena witnesses
12 and documents, administer oaths, and receive
13 affidavits and oral testimony, including telephonic
14 communications;

15 (6) Investigate and conduct hearings, including contested
16 proceedings under chapter 91, regarding any violation
17 of this chapter, or any rule or order of, or agreement
18 with, the commissioner;

19 (7) Create fact-finding committees that may make
20 recommendations to the commissioner for the
21 commissioner's deliberations;



1 (8) Require disclosure of relevant criminal history in
2 accordance with this chapter and conduct criminal
3 history record checks in accordance with chapter 846;

4 (9) Contract with or employ qualified persons who may be
5 exempt from chapter 76, including investigators,
6 examiners, auditors, and attorneys, to assist the
7 commissioner in exercising the commissioner's powers
8 and duties;

9 (10) Require that all revenues, fees, and fines collected
10 by the commissioner under this chapter be deposited
11 into the compliance resolution fund established
12 pursuant to section 26-9(o);

13 (11) Revoke, suspend, or otherwise limit the license of any
14 money transmitter for any violation of this chapter,
15 or any rule or order of, or agreement with, the
16 commissioner;

17 (12) Report any violation of this chapter or violation of
18 federal or state law to the Consumer Financial
19 Protection Bureau or other federal agency having
20 jurisdiction over the licensee; and



1 (13) Do any and all things necessary or incidental to the
2 exercise of the commissioner's power and duties."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6



Report Title:

Money Transmitters; Commissioner of Financial Institutions;
Powers; Bond; Security Device

Description:

Clarifies bond requirements for money transmitter licensees.
Clarifies the powers of the commissioner of financial
institutions relating to money transmitters. (SD1)

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