



DAVID Y. IGE  
GOVERNOR

DOUGLAS S. CHIN  
LIEUTENANT GOVERNOR

**STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-NINTH LEGISLATURE  
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Friday, February 16, 2018  
4:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2345, H.D. 1, RELATING TO MONEY TRANSMITTERS.**

TO THE HONORABLE SYLVIA LUKE, CHAIR, AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on H.B. 2345, H.D. 1, Relating to Money Transmitters. My name is Iris Ikeda, and I am the Commissioner of Financial Institutions (“Commissioner”) for the Department’s Division of Financial Institutions. The Department strongly supports this administration bill, which is substantially similar to S.B. 2772.

The purpose of this bill is to amend Hawaii’s Money Transmitters Act, Hawaii Revised Statutes (“HRS”) chapter 489D, to clarify the powers of the Commissioner and amend bond provisions for consistency with terms used elsewhere in the chapter.

SECTION 1 of this bill amends HRS section 489D-7(b) to clarify that an applicant for licensure must provide a security device or bond that covers, among other things, transmission of “monetary value”, as well as money. This is needed because HRS section 489D-4 defines “money transmission” as including “receiving money or

monetary value for transmission. . . .” “Monetary value” is defined in the same section as a means of exchange, whether or not redeemable in money.

SECTION 2 of this bill amends HRS section 489D-34 to give the Commissioner specific powers to enforce HRS chapter 489D. It expressly authorizes the Commissioner to issue declaratory rulings and informal interpretations, develop licensure requirements, investigate complaints, subpoena witnesses, conduct hearings, require disclosures and criminal history record checks, hire qualified professionals for assistance, deposit revenues, fees, and fines into the compliance resolution fund, revoke or limit licenses for violation, and report licensee violations to an appropriate federal agency.

The Department supports this bill because clarification of the security device provision will enhance consumer protection for money transmitter customers. Clarifying the Commissioner’s authority to enforce chapter 489D and providing specific tools to do so will enhance the Commissioner’s ability to take appropriate action for chapter violations, deter noncompliance, and protect consumers.

The Department strongly supports this administration bill and requests that it pass out of this committee with an “upon approval” effective date, and otherwise unamended. Thank you for the opportunity to testify, and we ask for your favorable consideration.