
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 two new sections to be appropriately
3 designated and to read as follows:

4 "§489D- Registration with Nationwide Mortgage Licensing
5 System. The commissioner may require any licensee to register
6 with the Nationwide Mortgage Licensing System.

7 §489D- Voluntary surrender of license. (a) A licensee
8 may voluntarily cease business and surrender its license by
9 giving written notice to the commissioner of its intent to
10 surrender its license. Prior to the surrender date of a
11 license, the licensee shall have either completed all pending
12 money transmissions or assigned each money transmission to
13 another licensee.

14 (b) Notice pursuant to this section shall be provided at
15 least thirty days before the surrender of the license and shall
16 include:

17 (1) The date of surrender;



1 (2) The name, address, telephone number, facsimile number,
2 and electronic address of a contact individual with
3 knowledge and authority sufficient to communicate with
4 the commissioner regarding all matters relating to the
5 licensee during the period it was licensed pursuant to
6 this chapter;

7 (3) The reason or reasons for surrender;

8 (4) The total dollar amount of the licensee's outstanding
9 payment instruments sold in Hawaii and the individual
10 amounts of each outstanding instrument, and the name,
11 address, and contact phone number of the licensee to
12 which each outstanding instrument was assigned;

13 (5) A list of the licensee's Hawaii authorized delegates,
14 if any, as of the date of surrender; and

15 (6) Confirmation that the licensee has notified each of
16 its Hawaii authorized delegates, if any, that they may
17 no longer conduct money transmissions on the
18 licensee's behalf.

19 Voluntary surrender of a license shall be effective upon
20 the date of surrender specified on the written notice to the
21 commissioner as required by this section; provided that the



1 licensee has met the requirements of voluntary surrender and has
2 returned the original license issued."

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

6 "Nationwide Mortgage Licensing System" means a mortgage
7 licensing system developed and maintained by the Conference of
8 State Bank Supervisors and the American Association of
9 Residential Mortgage Regulators for the state licensing and
10 registration of state-licensed loan originators and other
11 financial services providers, or any system provided by the
12 Consumer Financial Protection Bureau."

13 SECTION 3. Section 489D-7, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§489D-7[+] **Bond or other security device.** (a) Each
16 application for a license shall be accompanied by a surety bond,
17 irrevocable letter of credit, or other similar security device
18 acceptable to the commissioner in the amount of [~~\$1,000-~~]
19 \$10,000 for the initial twelve-month licensure. Thereafter each
20 licensee shall maintain a bond in the amount required by
21 subsection (g) unless otherwise required by the commissioner.

22 The commissioner may increase the amount of the bond or security



1 device to a maximum of \$500,000 upon the basis of the impaired
2 financial condition of a licensee, as evidenced by a reduction
3 in net worth, financial losses, or other relevant criteria.

4 (b) The security device shall be in a form satisfactory to
5 the commissioner and shall run to the State for the benefit of
6 any claimants against the licensee to secure the faithful
7 performance of the obligations of the licensee relating to the
8 receipt, handling, transmission, and payment of money in
9 connection with the sale and issuance of payment instruments or
10 transmission of money. In the case of a bond, the aggregate
11 liability of the surety shall not exceed the principal sum of
12 the bond. Claimants against the licensee may bring suit
13 directly on the security device or the commissioner may bring
14 suit on behalf of claimants, either in one action or in
15 successive actions.

16 (c) To meet the requirement of a security device or of any
17 portion of the principal amount thereof, the licensee may
18 deposit with the commissioner, or with such banks in this State
19 as the licensee may designate and the commissioner may approve,
20 cash, interest-bearing stocks and bonds, notes, debentures, or
21 other obligations:



- 1 (1) Of the United States or any agency or instrumentality
2 thereof;
- 3 (2) Guaranteed by the United States;
- 4 (3) Of the State, a county, or instrumentality of the
5 State; or
- 6 (4) Guaranteed by the State,
7 in an aggregate amount based upon the principal amount or market
8 value, whichever is lower, of not less than the amount of the
9 security device or portion thereof.
- 10 (d) The securities or cash deposited pursuant to
11 subsection (c) shall secure the same obligations as would the
12 security device, but the depositor shall:
- 13 (1) Be entitled to receive all interest and dividends
14 thereon;
- 15 (2) Have the right, with the approval of the commissioner,
16 to substitute other securities for those deposited;
17 and
- 18 (3) Be required to substitute other securities for those
19 deposited upon a showing of good cause and written
20 order of the commissioner.
- 21 (e) The security device shall remain in effect until
22 cancellation, which may occur only after thirty days written



1 notice to the commissioner. Cancellation shall not affect any
2 liability incurred or accrued during the period.

3 (f) The security device shall remain in place for no
4 longer than five years after the licensee ceases money
5 transmission operations in the State. Notwithstanding this
6 provision, the commissioner may permit the security device to be
7 reduced or eliminated prior to that time to the extent that the
8 amount of the licensee's payment instruments outstanding in the
9 State are reduced. The commissioner may also permit a licensee
10 to substitute a letter of credit or other form of security
11 device acceptable to the commissioner for the security device in
12 place at the time the licensee ceases money transmission
13 operations in the State.

14 (g) After the initial year of licensure, a licensee may
15 obtain a bond or other security device of \$5,000 if the
16 licensee's annualized money transmissions as calculated in
17 section 489D-12(a) is less than \$10,000,000. The bond or
18 security device shall be \$10,000 if the licensee's annualized
19 money transmissions as calculated in section 489D-12(a) is
20 \$10,000,000 or more. Each licensee shall perform this
21 calculation on an annual basis."



1 SECTION 4. Section 489D-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§489D-9 [Application for license.]~~ License and
4 registration; application. (a) The commissioner may enter into
5 agreements or contracts with the operators of the Nationwide
6 Mortgage Licensing System or other entities designated by the
7 Nationwide Mortgage Licensing System to collect and maintain
8 records and process transaction fees or other fees related to
9 licensees or other persons subject to this chapter.

10 (b) In addition to other uses of the Nationwide Mortgage
11 Licensing System, the commissioner may use the Nationwide
12 Mortgage Licensing System as an agent for:

13 (1) Requesting information from and distributing
14 information to the United States Department of Justice
15 or any other governmental agency; and

16 (2) Requesting and distributing information to and from
17 any source directed by the commissioner.

18 [~~a~~] (c) An application for a license under this chapter
19 shall be made in writing, and in a form prescribed by the
20 Nationwide Mortgage Licensing System or by the commissioner.

21 Each application shall contain the following:

22 (1) For all applicants:



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



- 1 (H) The locations where the applicant and its
2 authorized delegates, if any, propose to conduct
3 their licensed activities in the State;
- 4 (I) The name and address of the clearing bank or
5 banks on which the applicant's payment
6 instruments will be drawn or through which
7 payment instruments will be payable;
- 8 (J) Disclosure of any pending or final suspension,
9 revocation, or other enforcement action by any
10 state or governmental authority for the five-year
11 period prior to the date of the application; and
- 12 (K) Any other information the commissioner may
13 require;
- 14 (2) If the applicant is a corporation, the applicant shall
15 also provide:
- 16 (A) The date of the applicant's incorporation and
17 state of incorporation;
- 18 (B) A certificate of good standing from the state in
19 which the applicant was incorporated;
- 20 (C) A description of the corporate structure of the
21 applicant, including the identity of any parent
22 or subsidiary company of the applicant, and the



1 disclosure of whether any parent or subsidiary
2 company is publicly traded on any stock exchange;

3 (D) The name, business and residence address, and
4 employment history, for the past five years, of
5 the applicant's executive officers and the
6 officers or managers who will be in charge of the
7 applicant's activities to be licensed under this
8 chapter;

9 (E) The name, business and residence address, and
10 employment history of any key shareholder of the
11 applicant, for the period of five years before
12 the date of the application;

13 (F) For the five-year period prior to the date of the
14 application, the history of material litigation
15 involving, and criminal convictions of, every
16 executive officer or key shareholder of the
17 applicant;

18 (G) A copy of the applicant's most recent audited
19 financial statement, including balance sheets,
20 statements of income or loss, statements of
21 changes in shareholder equity and statement of
22 changes in financial position, and, if available,



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

16 (H) Copies of all filings, if any, made by the
17 applicant with the United States Securities and
18 Exchange Commission, or with a similar regulator
19 in a country other than the United States, within
20 the year preceding the date of filing of the
21 application; and



- 1 (I) Information necessary to conduct a criminal
2 history record check in accordance with section
3 846-2.7 of each of the executive officers, key
4 shareholders, and managers who will be in charge
5 of the applicant's activities, accompanied by the
6 appropriate payment of the applicable fee for
7 each record check; and
- 8 (3) If the applicant is not a corporation, the applicant
9 shall also provide:
- 10 (A) The name, business and residence address,
11 personal financial statement, and employment
12 history, for the past five years, of each
13 principal of the applicant;
- 14 (B) The name, business and residence address, and
15 employment history, for the past five years, of
16 any other persons who will be in charge of the
17 applicant's activities to be licensed under this
18 chapter;
- 19 (C) The place and date of the applicant's
20 registration or qualification to do business in
21 this State;



1 (D) The history of material litigation and criminal
2 convictions for the five-year period before the
3 date of the application for each individual
4 having any ownership interest in the applicant
5 and each individual who exercises supervisory
6 responsibility over the applicant's activities;

7 (E) Copies of the applicant's audited financial
8 statements, including balance sheets, statements
9 of income or loss, and statements of changes in
10 financial position for the current year and, if
11 available, for the preceding two-year period; and

12 (F) Information necessary to conduct a criminal
13 history record check in accordance with section
14 846-2.7 of each principal of the applicant,
15 accompanied by the appropriate payment of the
16 applicable fee for each record check.

17 [~~(b)~~] (d) The commissioner, for good cause may:

18 (1) Waive any requirement of this section relating to any
19 license application; or

20 (2) Permit an applicant to submit substituted information
21 in its license application in lieu of the information
22 required by this section."



1 SECTION 5. Section 489D-9.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§489D-9.5[+] **Limited exemption for financial**
4 **institutions; financial institutions as authorized delegates.**

5 (a) Banks, bank holding companies, credit unions, [~~building and~~
6 ~~loan associations, savings and loan associations,~~] savings
7 banks, financial services loan companies, and mutual banks
8 organized under the laws of the United States or any state shall
9 be exempt from the licensing and examination provisions of this
10 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 6. Section 489D-10, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

7 (1) A nonrefundable application fee in the amount of
8 ~~[\$2,000 plus \$300 for each additional location in the~~
9 ~~State, not to exceed an aggregate fee of \$15,000.]~~
10 \$ _____ ; and

11 (2) An initial annual license fee of ~~[\$2,000 plus \$300 for~~
12 ~~each additional location in the State, not to exceed~~
13 ~~an aggregate fee of \$15,000.]~~ \$ _____ ."

14 SECTION 7. Section 489D-12, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**\$489D-12 Renewal of license and annual report.** (a) On
17 or before December 31 of each year, each licensee shall pay [~~to~~
18 ~~the commissioner an annual license fee of \$2,000, plus \$300 for~~
19 ~~each additional location in the State, not to exceed an~~
20 ~~aggregate fee of \$15,000.] renewal fees based on the number of
21 annualized money transmissions as follows:~~



- 1 (1) \$ _____ for licensees with fewer than five thousand
2 money transmissions;
- 3 (2) \$ _____ for licensees with five thousand or more but
4 fewer than fifty thousand money transmissions;
- 5 (3) \$ _____ for licensees with fifty thousand or more but
6 fewer than one hundred thousand money transmissions;
- 7 (4) \$ _____ for licensees with one hundred thousand or
8 more but fewer than two hundred thousand money
9 transmissions; and
- 10 (5) \$ _____ for licensees with two hundred thousand or
11 more money transmissions.

12 For purposes of this subsection, "annualized money
13 transmissions" means the number of money transmissions reported
14 for the quarter on the report required by subsection (b) (2)
15 multiplied by four.

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

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

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

21 (4) For the most recent quarter for which data is
22 available prior to the date of filing the annual



1 report, but in no event more than one hundred twenty
2 days prior to the renewal date, a list of the
3 licensee's permissible investments, including the
4 total market value of each type of permissible
5 investment, and the total dollar amount of all
6 outstanding payment instruments issued or sold by the
7 licensee in the United States;

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

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

15 (7) The licensee's evidence of a valid bond or other
16 security device; and

17 ~~[(7)]~~ (8) Any other information the commissioner may
18 require.

19 A license may be renewed by filing a renewal statement on a form
20 prescribed by the Nationwide Mortgage Licensing System or by the
21 commissioner and paying a renewal fee, at least four weeks prior
22 to the renewal date for licensure for the following year.



1 (c) A licensee that has not filed an annual report that
2 has been deemed complete by the commissioner or paid its annual
3 license fee by the renewal filing deadline, and has not been
4 granted an extension of time to do so by the commissioner, shall
5 have its license suspended on the renewal date. The licensee
6 ~~[has]~~ shall have thirty days after its license is suspended to
7 file an annual report and pay the annual license fee, plus a
8 late filing fee of ~~[\$100]~~ \$ _____ for each business day after
9 suspension that the commissioner does not receive the annual
10 report and the annual license fee. The commissioner, for good
11 cause, may grant an extension of the renewal date or reduce or
12 suspend the ~~[\$100]~~ \$ _____ per day late filing fee."

13 SECTION 8. Section 489D-12.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~[+]§489D-12.5[-] Fees.~~ Penalties and other charges.
16 ~~[Unless otherwise provided by statute, all fees]~~ Administrative
17 penalties and other charges assessed under this chapter shall be
18 deposited into the compliance resolution fund established
19 pursuant to section 26-9(o)."

20 SECTION 9. Section 489D-14.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~[+]§489D-14.5[+]~~ **Name change.** To change its name, its
2 fictitious name, or its trade name, a [~~money transmitter~~]
3 licensee shall file an application with the commissioner and pay
4 a nonrefundable fee of [~~\$250~~] \$ _____ or [~~such~~] a greater
5 amount as the commissioner shall establish by rule pursuant to
6 chapter 91. The application shall be approved if the
7 commissioner is satisfied that the new name complies with all
8 applicable laws. Any change of name shall not affect a [~~money~~
9 ~~transmitter's~~] licensee's rights, liabilities, or obligations
10 existing prior to the effective date thereof, and no documents
11 of transfer shall be necessary to preserve such rights,
12 liabilities, or obligations; provided that the commissioner may
13 require notice to be given to the public and other governmental
14 agencies."

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

17 "(a) A licensee shall submit to the commissioner an
18 application requesting approval of a proposed change of control
19 of the licensee, accompanied by a nonrefundable application fee
20 of [~~\$2,000.~~] \$ _____.

21 (b) After review of a request for approval under
22 subsection (a), the commissioner may require the licensee to



1 provide additional information concerning the persons who are to
2 assume control of the licensee. The additional information
3 shall be limited to similar information required of the licensee
4 or persons in control of the licensee as part of its original
5 license or renewal application under sections 489D-9 and 489D-
6 12[-] and shall include the history of the applicant's material
7 litigation and criminal convictions for the five-year period
8 prior to the date of the application for change of control of
9 the licensee."

10 SECTION 11. Section 489D-16, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Every licensee and its authorized delegates shall
13 file with the commissioner all reports relating to transactions
14 in the State, as required by federal recordkeeping and reporting
15 requirements in Title 31 United States Code section 5311 et
16 seq., 31 Code of Federal Regulations [~~Part 1037~~] section [~~1257~~]
17 1022.210, and other federal and state laws pertaining to money
18 laundering."

19 SECTION 12. Section 489D-17, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:

21 "(c) The commissioner shall charge an examination fee to
22 each [~~licensed money transmitter~~] licensee and authorized



1 delegate examined or investigated by the commissioner or the
2 commissioner's staff, based upon the cost per hour per examiner.
3 [~~Effective July 1, 2008, the~~] The hourly fee shall be \$60."

4 SECTION 13. Section 489D-21, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§489D-21[+] **Authorized delegate contracts.** Licensees
7 desiring to conduct licensed activities through authorized
8 delegates shall authorize each delegate to operate pursuant to
9 an express written contract. These contracts shall provide the
10 following:

- 11 (1) That the licensee appoints the person as the
12 licensee's delegate with authority to engage in money
13 transmission on behalf of the licensee;
- 14 (2) That neither a licensee nor an authorized delegate may
15 authorize subdelegates without the written consent of
16 the commissioner;
- 17 (3) That the licensee is subject to supervision and rule
18 by the commissioner; and
- 19 (4) That the authorized delegate certifies that it is in
20 compliance with the recordkeeping and reporting
21 requirements under Title 31 United States Code section
22 5311 et seq., 31 Code of Federal Regulations [~~Part~~



1 ~~103,~~ section [~~125,~~] 1022.210, and other federal and
2 state laws pertaining to money laundering."

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

5 "**§489D-28 Civil penalties.** [~~(a)~~] The commissioner may
6 assess a fine against a person who violates this chapter or a
7 rule adopted or an order issued under this chapter in an amount
8 not to exceed [~~\$500~~] \$ _____ per day for each day the violation
9 is outstanding, plus the State's costs and expenses for the
10 investigation and prosecution of the matter, including
11 reasonable attorneys' fees.

12 ~~[(b) All administrative fines collected under authority of
13 this chapter shall be deposited into the compliance resolution
14 fund established pursuant to section 26-9(o).]~~"

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

17 "(b) Criminal history record checks may be conducted by:
18 (1) The department of health or the department's designee
19 on operators of adult foster homes or developmental
20 disabilities domiciliary homes and their employees, as
21 provided by section 333F-22;



1 (2) The department of health or the department's designee
2 on prospective employees, persons seeking to serve as
3 providers, or subcontractors in positions that place
4 them in direct contact with clients when providing
5 non-witnessed direct mental health services as
6 provided by section 321-171.5;

7 (3) The department of health or the department's designee
8 on all applicants for licensure for, operators for,
9 prospective employees, and volunteers at one or more
10 of the following: skilled nursing facility,
11 intermediate care facility, adult residential care
12 home, expanded adult residential care home, assisted
13 living facility, home health agency, hospice, adult
14 day health center, special treatment facility,
15 therapeutic living program, intermediate care facility
16 for individuals with intellectual disabilities,
17 hospital, rural health center and rehabilitation
18 agency, and, in the case of any of the above
19 facilities operating in a private residence, on any
20 adult living in the facility other than the client as
21 provided by section 321-15.2;



- 1 (4) The department of education on employees, prospective
2 employees, and teacher trainees in any public school
3 in positions that necessitate close proximity to
4 children as provided by section 302A-601.5;
- 5 (5) The counties on employees and prospective employees
6 who may be in positions that place them in close
7 proximity to children in recreation or child care
8 programs and services;
- 9 (6) The county liquor commissions on applicants for liquor
10 licenses as provided by section 281-53.5;
- 11 (7) The county liquor commissions on employees and
12 prospective employees involved in liquor
13 administration, law enforcement, and liquor control
14 investigations;
- 15 (8) 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 (9) The department of human services on prospective
20 adoptive parents as established under section 346-
21 19.7;



- 1 (10) 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 (11) The department of health on persons exempt pursuant to
7 section 346-152 to be eligible to provide child care
8 and receive child care subsidies as provided by
9 section 321-484;
- 10 (12) The department of health on operators and employees of
11 home and community-based case management agencies and
12 operators and other adults, except for adults in care,
13 residing in foster family homes as provided by section
14 321D;
- 15 (13) The department of human services on staff members of
16 the Hawaii youth correctional facility as provided by
17 section 352-5.5;
- 18 (14) 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 (15) The judiciary on employees and applicants at detention
4 and shelter facilities as provided by section 571-34;
- 5 (16) 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 (17) The board of private detectives and guards on
12 applicants for private detective or private guard
13 licensure as provided by section 463-9;
- 14 (18) 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 pursuant to section 302C-1;
- 21 (19) The public library system on employees and prospective
22 employees whose positions place them in close



- 1 proximity to children as provided by section 302A-
2 601.5;
- 3 (20) The State or any of its branches, political
4 subdivisions, or agencies on applicants and employees
5 holding a position that has the same type of contact
6 with children, vulnerable adults, or persons committed
7 to a correctional facility as other public employees
8 who hold positions that are authorized by law to
9 require criminal history record checks as a condition
10 of employment as provided by section 78-2.7;
- 11 (21) The department of health on licensed adult day care
12 center operators, employees, new employees,
13 subcontracted service providers and their employees,
14 and adult volunteers as provided by section 321-496;
- 15 (22) The department of human services on purchase of
16 service contracted and subcontracted service providers
17 and their employees serving clients of the adult and
18 community care services branch, as provided by section
19 346-97;
- 20 (23) The department of human services on foster grandparent
21 program, senior companion program, and respite



- 1 companion program participants as provided by section
2 346-97;
- 3 (24) The department of human services on contracted and
4 subcontracted service providers and their current and
5 prospective employees that provide home and community-
6 based services under Section 1915(c) of the Social
7 Security Act, Title 42 United States Code Section
8 1396n(c), or under any other applicable section or
9 sections of the Social Security Act for the purposes
10 of providing home and community-based services, as
11 provided by section 346-97;
- 12 (25) The department of commerce and consumer affairs on
13 proposed directors and executive officers of a bank,
14 savings bank, savings and loan association, trust
15 company, and depository financial services loan
16 company as provided by section 412:3-201;
- 17 (26) The department of commerce and consumer affairs on
18 proposed directors and executive officers of a
19 nondepository financial services loan company as
20 provided by section 412:3-301;
- 21 (27) The department of commerce and consumer affairs on the
22 original chartering applicants and proposed executive



- 1 officers of a credit union as provided by section
- 2 412:10-103;
- 3 (28) The department of commerce and consumer affairs on:
- 4 (A) Each principal of every non-corporate applicant
- 5 for a money transmitter license; and
- 6 (B) The executive officers, key shareholders, and
- 7 managers in charge of a money transmitter's
- 8 activities of every corporate applicant for a
- 9 money transmitter license,
- 10 as provided by [~~section~~] sections 489D-9[~~7~~] and 489D-
- 11 15;
- 12 (29) The department of commerce and consumer affairs on
- 13 applicants for licensure and persons licensed under
- 14 title 24;
- 15 (30) The Hawaii health systems corporation on:
- 16 (A) Employees;
- 17 (B) Applicants seeking employment;
- 18 (C) Current or prospective members of the corporation
- 19 board or regional system board; or
- 20 (D) Current or prospective volunteers, providers, or
- 21 contractors,



- 1 in any of the corporation's health facilities as
2 provided by section 323F-5.5;
- 3 (31) The department of commerce and consumer affairs on:
4 (A) An applicant for a mortgage loan originator
5 license; and
6 (B) Each control person, executive officer, director,
7 general partner, and manager of an applicant for
8 a mortgage loan originator company license,
9 as provided by chapter 454F;
- 10 (32) The counties on prospective employees who work with
11 vulnerable adults or senior citizens in community-
12 based programs;
- 13 (33) The counties on prospective employees for fire
14 department positions which involve contact with
15 children or dependent adults;
- 16 (34) The counties on prospective employees for emergency
17 medical services positions which involve contact with
18 children or dependent adults;
- 19 (35) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing
22 homeland security measures including viewing,



1 handling, and engaging in law enforcement or
2 classified meetings and assisting vulnerable and
3 disabled citizens during emergencies or crises; and
4 (36) Any other organization, entity, or the State, its
5 branches, political subdivisions, or agencies as may
6 be authorized by state law."

7 SECTION 16. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 17. This Act shall take effect on July 1, 2112.



Report Title:

Money Transmitters; Fees; Bond

Description:

Authorizes the Commissioner of Financial Institutions to require money transmitters to register with the Nationwide Mortgage Licensing System and establishes additional regulatory requirements. Effective July 1, 2112. (HB837 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

