

By: Representative Guice

To: Banking and Financial
Services

HOUSE BILL NO. 362

1 AN ACT TO AMEND SECTION 75-15-19, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REPEALER ON THE SECTION PROVIDING FOR ANNUAL
3 STATEMENTS BY AND EXAMINATIONS OF THE RECORDS OF LICENSEES UNDER
4 THE SALE OF CHECKS LAW; TO DELETE THE PROVISION FOR THE
5 COMMISSIONER OF BANKING TO MAKE A REPORT TO CERTAIN LEGISLATIVE
6 COMMITTEES CONTAINING CERTAIN INFORMATION ABOUT EXAMINATIONS OF
7 THE RECORDS OF THOSE LICENSEES; TO AMEND SECTION 75-67-435,
8 MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE SECTION
9 PROVIDING FOR EXAMINATIONS OF THE RECORDS OF LICENSEES UNDER THE
10 TITLE PLEDGE LENDER LAW; TO DELETE THE PROVISION FOR THE
11 COMMISSIONER OF BANKING TO MAKE A REPORT TO CERTAIN LEGISLATIVE
12 COMMITTEES CONTAINING CERTAIN INFORMATION ABOUT EXAMINATIONS OF
13 THE RECORDS OF THOSE LICENSEES; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 75-15-19, Mississippi Code of 1972, is
16 amended as follows:

17 75-15-19. (1) Each licensee shall file with the
18 commissioner annually on or before April 15 of each year a
19 statement listing:

20 (a) The locations, offices and agencies authorized by
21 the licensee to act for and on behalf of the licensee in selling
22 or issuing or dispensing checks. A supplemental statement setting
23 forth any changes in the list of locations, offices and agencies
24 shall be filed with the commissioner on or before the first day of
25 July, October and January of each year and the principal sum of
26 the corporate surety bond or deposit required under Section
27 75-15-11 shall be adjusted, if appropriate, to reflect any
28 increase or decrease in the number of locations, offices and
29 agencies. The annual and supplemental statement shall not be
30 required of any licensee who continues to maintain a corporate
31 surety bond, as required by subsection (b) of Section 75-15-11, in
32 the principal sum of Two Hundred Fifty Thousand Dollars

33 (\$250,000.00), or a securities deposit having an aggregate market
34 value at least equal to Two Hundred Fifty Thousand Dollars
35 (\$250,000.00).

36 (b) Each licensee shall file with the commissioner
37 annually on or before April 15 of each year, statements correctly
38 reflecting its net worth as of the close of its most recent fiscal
39 year, the statement to be certified to by a certified public
40 accountant satisfactory to the commissioner.

41 (2) The commissioner may conduct or cause to be conducted an
42 examination or audit of the books and records of any licensee at
43 any time or times he deems proper, the cost of the examination or
44 audit to be borne by the licensee. The refusal of access to the
45 books and records shall be cause for the revocation of its
46 license. The commissioner may charge the licensee an examination
47 fee in an amount not less than Three Hundred Dollars (\$300.00) nor
48 more than Six Hundred Dollars (\$600.00) for each office or
49 location within the State of Mississippi, plus any actual expenses
50 incurred while examining the licensee's records or books that are
51 located outside the State of Mississippi. However, in no event
52 shall a licensee be examined more than once in a two-year period
53 unless for cause shown based upon consumer complaint and/or other
54 exigent reasons as determined by the commissioner.

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56 **SECTION 2.** Section 75-67-435, Mississippi Code of 1972, is
57 amended as follows:

58 75-67-435. (1) The Commissioner of Banking and Consumer
59 Finance shall develop and provide any necessary forms to carry out
60 the provisions of this article.

61 (2) The department may adopt reasonable administrative
62 regulations, not inconsistent with law, for the enforcement of
63 this article.

64 (3) To assure compliance with the provision of this article,
65 the department may examine the books and records of any licensee

66 without notice during normal business hours. The commissioner may
67 charge the licensee an examination fee in an amount not less than
68 Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars
69 (\$600.00) for each office or location within the State of
70 Mississippi, plus any actual expenses incurred while examining the
71 licensee's records or books that are located outside the State of
72 Mississippi. However, in no event shall a licensee be examined
73 more than once in a two-year period unless for cause shown based
74 upon consumer complaint and/or other exigent reasons as determined
75 by the commissioner.

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77 **SECTION 3.** This act shall take effect and be in force from
78 and after its passage.