

By: Representative Warren

To: Banking and Financial Services

HOUSE BILL NO. 689

1 AN ACT TO AMEND SECTION 75-15-19, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL FOR THE PROVISION OF LAW THAT
3 REGULATES THE ANNUAL REPORTING AND AUDITING REQUIREMENTS FOR SALE,
4 ISSUANCE OR DISPENSING OF CHECKS; AND FOR RELATED PURPOSES.

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

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

8 75-15-19. (1) Each licensee shall file with the
9 commissioner annually on or before April 15 of each year a
10 statement listing:

11 (a) The locations, offices and agencies authorized by
12 the licensee to act for and on behalf of the licensee in selling
13 or issuing or dispensing checks. A supplemental statement setting
14 forth any changes in the list of locations, offices and agencies
15 shall be filed with the commissioner on or before the first day of
16 July, October and January of each year and the principal sum of
17 the corporate surety bond or deposit required under Section
18 75-15-11 shall be adjusted, if appropriate, to reflect any
19 increase or decrease in the number of locations, offices and
20 agencies. The annual and supplemental statement shall not be
21 required of any licensee who continues to maintain a corporate
22 surety bond, as required by subsection (b) of Section 75-15-11, in
23 the principal sum of Two Hundred Fifty Thousand Dollars
24 (\$250,000.00), or a securities deposit having an aggregate market
25 value at least equal to Two Hundred Fifty Thousand Dollars
26 (\$250,000.00).

27 (b) Each licensee shall file with the commissioner
28 annually on or before April 15 of each year, statements correctly

29 reflecting its net worth as of the close of its most recent fiscal
30 year, the statement to be certified to by a certified public
31 accountant satisfactory to the commissioner.

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

46 (3) On or before July 1, 2007, the commissioner shall file
47 with the Chairman of the Senate Business and Financial
48 Institutions Committee and the Chairman of the House Banking
49 Committee a report containing the total number of examinations or
50 audits of licensees conducted by the department for each year, the
51 total cost of such examinations, the number of examinations
52 grouped by range of costs, and any other information the
53 commissioner deems relevant to substantiate the examination fee
54 authorized in this section.

55 (4) This section shall stand repealed from and after July 1,
56 2009.

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2007.