

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 247

(SENATE AUTHORS: **BONOFF, Dahle, Nienow, Rosen and Rest**)

DATE	D-PG	OFFICIAL STATUS
02/04/2013	142	Introduction and first reading Referred to Commerce
03/07/2013	673a	Comm report: To pass as amended and re-refer to Judiciary
03/20/2013	1310a	Comm report: To pass as amended
	1352	Second reading
04/11/2013	1776	HF substituted on General Orders HF194

A bill for an act

1.1 relating to commerce; preventing fraud; regulating money transmissions;
 1.2 establishing a no transmit list; requiring certain notifications and verifications;
 1.3 amending Minnesota Statutes 2012, sections 13.712, by adding a subdivision;
 1.4 53B.27, by adding subdivisions.
 1.5

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 13.712, is amended by adding a
 1.8 subdivision to read:

1.9 Subd. 3a. **No transmit list.** Data maintained as part of creation and maintenance
 1.10 of the list of individuals for whom money transmitters may not make transmissions is
 1.11 governed by section 53B.27, subdivision 3.

1.12 Sec. 2. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision
 1.13 to read:

1.14 Subd. 3. **No transmit list.** (a) The commissioner shall create and maintain
 1.15 an electronic list of individuals for whom money transmitters may not make money
 1.16 transmissions. The commissioner may contract with a third-party vendor to create and
 1.17 maintain the list. The electronic list must allow for money transmitters to match names
 1.18 on the "No Transmit List" with the names of individuals seeking to utilize the money
 1.19 transmitter's services to make money transmissions.

1.20 (b) The "No Transmit List" shall be populated in the following ways:

1.21 (1) an individual may request that the commissioner put the individual's name on
 1.22 the "No Transmit List;"

1.23 (2) persons with the legal authority to act on behalf of an individual may request that
 1.24 the commissioner put the individual's name on the "No Transmit List;"

2.1 (3) money transmitters shall request that the commissioner put the names of
2.2 individuals on the "No Transmit List" that the money transmitter, their employees, their
2.3 authorized delegates, or their authorized delegates' employees have detected are victims
2.4 of a scheme to defraud and the names of individuals they have detected are participants
2.5 in a scheme to defraud individuals residing in Minnesota;

2.6 (4) state and local law enforcement agencies and departments may request that the
2.7 commissioner put the names of individuals residing in Minnesota who have been victims
2.8 of a scheme to defraud on the "No Transmit List"; and

2.9 (5) money transmitters shall request that the commissioner put the names of
2.10 individuals on the "No Transmit List" who have made a request directly to the money
2.11 transmitter to be prohibited from making or receiving money transmissions.

2.12 (c) An individual on the "No Transmit List" shall remain on the list for a minimum
2.13 of one year. After the expiration of one year, the individual may at any time request
2.14 that his or her name be removed from the "No Transmit List," otherwise the name will
2.15 remain on the list. An individual whose name was put on the "No Transmit List" by a
2.16 person authorized to act on an individual's behalf shall remain on the list for a minimum of
2.17 one year. After the expiration of one year, the person authorized to act on the individual's
2.18 behalf may at any time request that the commissioner remove the individual's name from
2.19 the "No Transmit List," otherwise the name will remain on the list.

2.20 (d) An individual who requests that the individual's name be put on the "No Transmit
2.21 List" may indicate at the time of the request that the name shall not be removed from
2.22 the "No Transmit List" unless both the individual and at least one of two designated
2.23 individuals requests the individual's name be removed from the list.

2.24 (e) The commissioner shall create request forms and establish procedures for
2.25 submission of requests under this subdivision. The commissioner's forms and procedures
2.26 shall include necessary requirements for verifying the identity and authority of individuals
2.27 submitting requests. All requests must be submitted to the commissioner on the forms
2.28 created by the commissioner and in accordance with the procedures established by the
2.29 commissioner.

2.30 (f) Except as otherwise provided in this paragraph, data on individuals in the "No
2.31 Transmit List" and in requests to have names put on or removed from the list are private
2.32 data on individuals as defined in section 13.02, subdivision 12. The name of an individual
2.33 on the "No Transmit List" may be provided to the individual or a person authorized to act
2.34 on the individual's behalf and shall be provided to a money transmitter through a matching
2.35 process for the purpose of determining whether it may initiate a money transmission. Data
2.36 classified under this paragraph may be disclosed to requesting law enforcement agencies

3.1 for law enforcement purposes or to other government agencies for purposes related to the
3.2 regulation of money transmissions.

3.3 Sec. 3. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 4. **Suspicious activity report.** Each time a money transmitter requests that
3.6 the commissioner put the name of an individual on the "No Transmit List" pursuant
3.7 to subdivision 3, paragraph (b), clause (3), the money transmitter shall also submit a
3.8 suspicious activity report pursuant to the federal Bank Secrecy Act.

3.9 Sec. 4. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision
3.10 to read:

3.11 Subd. 5. **High incidence of schemes to defraud.** The commissioner, after
3.12 consulting with licensed money transmitters, may establish a maximum transaction amount
3.13 for money transmissions to countries associated with high incidence of schemes to defraud.

3.14 Sec. 5. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision
3.15 to read:

3.16 Subd. 6. **Notification of attempted receipt of money transfer at unexpected**
3.17 **location.** Upon request of a sender of a money transmission, a money transmitter shall
3.18 promptly notify the sender if the money transmitter receives notice that a person has
3.19 attempted to receive the transfer in a state or country other than the state or country
3.20 specified by the sender. The money transmitter shall not authorize receipt of the transfer at
3.21 any location not specified in writing by the sender at the time of the transmission unless
3.22 the money transmitter has received authorization from the sender.

3.23 Sec. 6. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision
3.24 to read:

3.25 Subd. 7. **Verification of name and location of receipt of money transfer.**
3.26 Upon request of a sender or the authorized delegate of a money transmission, a money
3.27 transmitter shall provide the sender verification of the location where the transfer was
3.28 received and the name of the person receiving the transfer.

3.29 Sec. 7. **EFFECTIVE DATE.**

3.30 This act is effective January 1, 2014, and applies to money transfers initiated on or
3.31 after that date.