

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 247

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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		Comm report: To pass as amended Second reading

1.1 A bill for an act
 1.2 relating to commerce; preventing fraud; regulating money transmissions;
 1.3 establishing a no transmit list; requiring certain notifications and verifications;
 1.4 amending Minnesota Statutes 2012, section 53B.27, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2012, section 53B.27, is amended by adding a
 1.7 subdivision to read:

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

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

1.15 (1) an individual may request that the commissioner put his or her name on the
 1.16 "No Transmit List;"

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

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

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

2.4 (c) An individual on the "No Transmit List" shall remain on the list for a minimum
2.5 of one year. After the expiration of one year, the individual may at any time request
2.6 that his or her name be removed from the "No Transmit List," otherwise the name will
2.7 remain on the list. An individual whose name was put on the "No Transmit List" by a
2.8 person authorized to act on an individual's behalf shall remain on the list for a minimum of
2.9 one year. After the expiration of one year, the person authorized to act on the individual's
2.10 behalf may at any time request that the commissioner remove the individual's name from
2.11 the "No Transmit List," otherwise the name will remain on the list.

2.12 (d) An individual who requests that his or her name be put on the "No Transmit List"
2.13 may indicate at the time of his or her request that his or her name shall not be removed
2.14 from the "No Transmit List" unless both the individual and at least one of two designated
2.15 individuals requests the individual's name be removed from the list.

2.16 (e) The commissioner shall create request forms and establish procedures for
2.17 submission of requests under this subdivision. The commissioner's forms and procedures
2.18 shall include necessary requirements for verifying the identity and authority of individuals
2.19 submitting requests. All requests must be submitted to the commissioner on the forms
2.20 created by the commissioner and in accordance with the procedures established by the
2.21 commissioner.

2.22 (f) A name of an individual on the "No Transmit List" may be provided to the
2.23 individual or a person authorized to act on the individual's behalf and shall be provided to
2.24 a money transmitter through a matching process for the purpose of determining whether it
2.25 may initiate a money transmission.

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

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

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

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

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

3.6 Subd. 6. **Notification of attempted receipt of money transfer at unexpected**
3.7 **location.** Upon request of a sender of a money transmission, a money transmitter shall
3.8 promptly notify the sender if the money transmitter receives notice that a person has
3.9 attempted to receive the transfer in a state or country other than the state or country
3.10 specified by the sender. The money transmitter shall not authorize receipt of the transfer at
3.11 any location not specified in writing by the sender at the time of the transmission unless
3.12 the money transmitter has received authorization from the sender.

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

3.15 Subd. 7. **Verification of name and location of receipt of money transfer.**
3.16 Upon request of a sender or the authorized delegate of a money transmission, a money
3.17 transmitter shall provide the sender verification of the location where the transfer was
3.18 received and the name of the person receiving the transfer.

3.19 Sec. 6. **EFFECTIVE DATE.**

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