

SENATE BILL NO. 1124

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

4962S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 361.972, RSMo, and to enact in lieu thereof two new sections relating to prohibiting the transmission of money to unauthorized aliens within the state of Missouri, with penalty provisions and a severability clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 361.972, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 361.972 and 361.979, to read as follows:

361.972. 1. A licensee shall maintain the following
2 records for determining its compliance with sections 361.900
3 to 361.1035 for at least three years:

4 (1) A record of each outstanding money transmission
5 obligation sold;

6 (2) A general ledger posted at least monthly
7 containing all asset, liability, capital, income, and
8 expense accounts;

9 (3) Bank statements and bank reconciliation records;

10 (4) Records of outstanding money transmission
11 obligations;

12 (5) Records of each outstanding money transmission
13 obligation paid within the three-year period;

14 (6) A list of the last known names and addresses of
15 all of the licensee's authorized delegates; [and]

16 (7) **Records of:**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 (a) The documentation used to verify that the sender
18 of a foreign remittance transfer is not an unauthorized
19 alien as such term is defined in section 361.979;

20 (b) Penalties paid pursuant to section 361.979,
21 including the date and amount of each foreign remittance
22 transfer and the name, date of birth, and address of each
23 sender; and

24 (8) Any other records the director reasonably requires
25 by rule.

26 2. The items specified in subsection 1 of this section
27 may be maintained in any form of record.

28 3. Records specified in subsection 1 of this section
29 may be maintained outside this state if the records are made
30 accessible to the director on seven business days' notice
31 that is sent in a record.

32 4. All records maintained by the licensee as required
33 in subsections 1 to 3 of this section are open to inspection
34 by the director under subsection 1 of section 361.921.

35 5. (1) For the purpose of enforcement of this
36 section, the division may at any time request, and the
37 licensee shall provide, records of documentation used to
38 verify that the sender of a foreign remittance transfer is
39 not an unauthorized alien.

40 (2) A person who has a good faith belief that a
41 licensee is failing to comply with section 361.979 may file
42 a complaint with the division.

43 (3) A person who knowingly files a false or frivolous
44 complaint under subdivision (2) of this subsection,
45 including any complaint that violates federal law, commits a
46 class B misdemeanor.

47 (4) Upon receipt of a valid complaint substantiated by
48 evidence of a violation of section 361.979, the division

49 shall notify the licensee of the complaint and direct the
50 licensee to pay a penalty pursuant to section 361.979.

51 (5) In addition to the requirements under subdivision
52 (1) of this subsection, beginning July 1, 2027, the division
53 shall conduct random quarterly audits of licensees to ensure
54 compliance with section 361.979. During an audit, a
55 licensee shall produce records of the documentation used to
56 verify that each sender of a foreign remittance transfer is
57 not an unauthorized alien. A licensee that fails to comply
58 with section 361.979 is subject to the penalty pursuant to
59 such section.

60 (6) Failure to comply with subdivision (5) of this
61 subsection constitutes grounds for the suspension of all
62 licenses held by the licensee that were issued by the
63 division.

64 (7) The division may not audit a licensee more than
65 once every two years unless an audit within the last six
66 months found the licensee out of compliance with section
67 361.979.

361.979. 1. (1) A licensee shall not initiate a
2 foreign remittance transfer unless the licensee has verified
3 that the sender is not an unauthorized alien.

4 (2) As used in this section, the following terms mean:

5 (a) "Foreign remittance transfer", a remittance
6 transfer as defined in the Electronic Fund Transfer Act, 15
7 U.S.C. Section 1693o-1, as amended, the recipient of which
8 is located in any country other than the United States; and

9 (b) "Unauthorized alien", a person who is unlawfully
10 present in the United States according to the terms of the
11 federal Immigration and Nationality Act, 8 U.S.C. Section
12 1101, et seq. The term shall be interpreted consistently
13 with any applicable federal statutes, rules, or regulations.

14 (3) The division shall adopt rules relating to
15 acceptable forms of documentation that a licensee shall use
16 to verify that the sender of a foreign remittance transfer
17 is not an unauthorized alien. The licensee shall provide
18 confirmation of verification on such forms as the division
19 may prescribe for this purpose. All required forms shall be
20 submitted to the division not later than the fifteenth day
21 of the month following the close of each calendar quarter.

22 2. A licensee shall pay a penalty equal to twenty-five
23 percent of the United States dollar amount transferred,
24 excluding any fees or charges imposed by the licensee, for
25 any foreign remittance transfer initiated in violation of
26 subsection 1 of this section. The licensee shall remit
27 penalties owed under this subsection quarterly to the
28 division in addition to any such forms as the division may
29 prescribe for such purpose. All required penalties and
30 forms shall be submitted to the division not later than the
31 fifteenth day of the month following the close of each
32 calendar quarter. Failure to comply with subsection 1 of
33 this section does not subject a licensee to any penalty
34 other than the penalty imposed by this subsection.

 Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

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