

Regular Session, 2013

HOUSE BILL NO. 425

BY REPRESENTATIVE HENRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FRAUD: Requires presentment of identifying information when cashing federal or state treasury checks over a certain amount

1 AN ACT

2 To enact R.S. 6:1013.1, relative to check cashing facilities; to provide for cashing certain
3 government checks; to provide for records retention; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 6:1013.1 is hereby enacted to read as follows:

7 §1013.1. Cashing federal and state treasury checks; records retention

8 A. No licensee shall cash a United States Treasury check or state tax refund
9 check in an amount of one thousand dollars or greater unless the person requesting
10 that the check be cashed submits any one of the following:

11 (1) A valid, current, Louisiana driver's license which contains a photograph
12 of the person presenting the driver's license.

13 (2) A valid, current, driver's license of another state which contains a
14 photograph of the person and birth date of the person submitting the driver's license.

15 (3) A valid, current, special identification card issued by the state of
16 Louisiana pursuant to R.S. 40:1321 containing a photograph of the person submitting
17 the identification card.

18 (4) A valid, current, passport, or visa issued by the federal government or
19 another country or nation, that contains a permanently attached photograph of the
20 person and the date of birth of the person submitting the passport or visa.

1 (5) A valid, current, military, or federal identification card issued by the
2 federal government containing a photograph of the person and the date of birth of the
3 person submitting the identification card.

4 B. No form of identification required by Subsection A of this Section shall
5 be accepted as proof of identification if it is expired, defaced, mutilated, or altered.
6 If the state identification card or lawful identification submitted is a duplicate, the
7 person shall submit additional identification which contains the name, date of birth,
8 and photograph of the person. A duplicate driver's license shall be considered lawful
9 identification for the purposes of this Section, and a person shall not be required to
10 submit additional information containing the name, date of birth, and picture of the
11 person. In addition, an educational institution identification card, check cashing
12 identification card, or employee identification card shall not be considered as lawful
13 identification for the purposes of this Section.

14 C. Each licensee shall maintain the following records and information for
15 each United States Treasury check or state tax refund check in an amount of one
16 thousand dollars or greater cashed by the licensee:

17 (1) The date on which the check is cashed.

18 (2) The number of the check and the face amount of the check.

19 (3) The name of the drawer of the check which is cashed.

20 (4) The name, home address, and date of birth of the person for whom the
21 check is cashed and a copy of the photo identification presented as required in this
22 Section.

23 (5) A copy of the front and back of the check which is cashed.

24 D. Notwithstanding the provisions of R.S. 6:1013, each licensee shall
25 maintain the records and information required by this Section for at least three years
26 from the date on which the check is cashed.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 425

Abstract: Requires the submission of a photo ID when cashing U.S. Treasury checks and state tax refund checks of \$1,000 or greater and requires certain records of such to be kept.

Present law regulates check cashing facilities and defines such as individuals, partnerships, associations or corporations that for compensation engage in whole or in part in the business of cashing checks and other commercial paper. Does not include those who charge a fee not exceeding \$2 and where the check cashing is incidental to the person's primary business.

Proposed law retains present law and prohibits check cashing licensees from cashing a U.S. Treasury check or state tax refund check in the amount of \$1,000 or more unless the person requesting the check be cashed submits a photo ID. Requires licensees to maintain records with certain information for each of those types of checks cashed for three years. Requires records to include:

- (1) The date on which the check is cashed.
- (2) The number of the check and its face amount.
- (3) The name of the drawer of the check.
- (4) The name, home address, and date of birth of the person cashing the check and a copy of the photo ID presented.
- (5) A copy of the front and back of the check.

(Adds R.S. 6:1013.1)