

SENATE BILL NO. 287

BY SENATOR REESE

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AN ACT

To amend and reenact R.S. 6:1389(B), 1393.1(E)(6), (F)(4), the introductory paragraph of 1393.1(H), and 1393.1(H)(1), (2), (3), and (6) and to enact R.S. 6:1389 (C), (D), and (E) and 1393.1(E)(7), relative to virtual currency; to provide for virtual currency kiosks; to provide for cancellation and refund of transactions; to provide for reporting and disclosures; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:1389(B), 1393.1(E)(6), (F)(4), the introductory paragraph of 1393.1(H), and 1393.1(H)(1), (2), (3), and (6) are hereby amended and reenacted and R.S. 6:1389(C), (D), and (E) and 1393.1(E)(7) are hereby enacted to read as follows:

§1389. Virtual currency kiosks; maximum daily transaction limit; cancellation and refund

* * *

B.(1) The owner or operator of a virtual currency kiosk shall wait seventy-two hours before processing a user's virtual currency kiosk transaction or shall, at such owner's or operator's cost and within seventy-two hours after a virtual currency kiosk transaction, allow the user to cancel and receive a full refund for the virtual currency kiosk transaction.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other provision of law to the contrary, the owner or operator of a virtual currency kiosk shall, at the owner or operator's cost, allow the user to cancel

1 and receive a full refund for a virtual currency kiosk transaction at any time if
2 the owner or operator was not licensed in accordance with the provisions of this
3 Chapter at the time of the transaction.

4 C.(1) A virtual currency kiosk owner or operator shall acknowledge and
5 respond to a cancellation and refund request made pursuant to the provisions
6 of Subsection B of this Section within ten business days. A virtual currency
7 kiosk owner or operator's response shall clearly disclose all requirements for
8 a refund.

9 (2) For a refund request for suspected fraudulent activity, an owner or
10 operator may require a user to provide proof of a police report or other
11 governmental entity report of the suspected fraudulent activity and proof of
12 identification. Submitting either a police report or proof of a complaint
13 submitted to the Internet Crime Complaint Center to the owner or operator of
14 a virtual currency kiosk shall constitute suspected fraudulent activity.

15 (3) Any refund requested pursuant to this Subsection shall be processed
16 and completed either within ninety calendar days from the user's initial request
17 or ninety calendar days from when the user submitted proof of a police or other
18 governmental entity report of the suspected fraudulent activity and proof of
19 identification, if such requirements are part of the owner or operator's refund
20 policy and these requirements were clearly communicated to the user in
21 compliance with Paragraph (1) of this Subsection, whichever is later.

22 D. Each virtual currency kiosk owner or operator shall offer, during the
23 hours of operation of the virtual currency kiosk, live customer support by
24 telephone from a toll-free number prominently displayed on the virtual
25 currency kiosk. The toll-free number shall also be provided on the customer
26 receipt to a transaction as provided in R.S. 6:1393.1(H).

27 E. Each virtual currency kiosk owner or operator shall submit quarterly
28 reports to the commissioner of all cancellation and refund requests made by
29 residents pursuant to the provisions of this Section. The report shall include the
30 name and contact information of the customer who made the request, the

1 transaction date, and the amount of the transaction that was requested to be
2 cancelled.

3 * * *

4 §1393.1. Required disclosures

5 * * *

6 E. When opening a new account, and prior to entering into an initial
7 transaction with, for, or on behalf of a resident, each licensee shall disclose in clear,
8 conspicuous, and legible writing in the English language all relevant terms and
9 conditions associated with its virtual currency products, services, and activities and
10 virtual currency generally, including but not limited to the following:

11 * * *

12 (6) The resident's right to contact the office of financial institutions with
13 complaints or questions about the virtual currency kiosk operator's services.
14 The licensee shall include in this disclosure the telephone number for the office
15 of financial institutions.

16 (7) Any other disclosures as are customarily given in connection with the
17 opening of resident accounts.

18 F. Prior to each transaction in virtual currency with, for, or on behalf of a
19 resident, each licensee shall furnish to each such customer or account holder a
20 written disclosure in clear, conspicuous, and legible writing in the English language
21 containing the terms and conditions of the transaction, including but not limited to
22 the following:

23 * * *

24 (4) A notice that once executed, the transaction is ~~not reversible~~ may be
25 cancelled within seventy-two hours and a full refund may be received pursuant
26 to the provisions of R.S. 6:1389(B).

27 * * *

28 H. Upon completion of any transaction, each licensee shall provide to the
29 resident, both in paper and electronic form, a receipt containing all of the
30 following information:

