



House of Representatives

General Assembly

File No. 178

February Session, 2024

Substitute House Bill No. 5211

House of Representatives, April 2, 2024

The Committee on Banking reported through REP. DOUCETTE of the 13th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VIRTUAL CURRENCY AND MONEY TRANSMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 36a-596 of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2024*):

4 As used in sections 36a-595 to 36a-613, inclusive, as amended by this
5 act, and section 5 of this act:

6 (1) "Advertise" or "advertising" has the same meaning as provided in
7 section 36a-485.

8 (2) "Authorized delegate" means a person designated by a person
9 licensed pursuant to sections 36a-595 to 36a-612, inclusive, to provide
10 money transmission services on behalf of such licensed person.

11 (3) "Control" means (A) the power to vote, directly or indirectly, at
12 least twenty-five per cent of the outstanding voting shares or voting

13 interests of a licensee or person in control of a licensee, [;] (B) the power
14 to elect or appoint a majority of key individuals or executive officers,
15 managers, directors, trustees or other persons exercising managerial
16 authority of a person in control of a licensee, [;] or (C) the power to
17 exercise, directly or indirectly, a controlling influence over the
18 management or policies of a licensee or person in control of a licensee.
19 For purposes of this subdivision, [:] (i) [A] a person is presumed to
20 exercise a controlling influence when the person holds the power to
21 vote, directly or indirectly, at least ten per cent of the outstanding voting
22 shares or voting interests of a licensee or person in control of a licensee,
23 (ii) a person presumed to exercise a controlling influence can rebut such
24 presumption if the person is a passive investor, and (iii) to determine
25 the percentage of control, a person's interest shall be aggregated with
26 the interest of any other immediate family member, including the
27 person's spouse, parent, child, sibling, mother-in-law, father-in-law,
28 son-in-law, daughter-in-law, brother-in-law, sister-in-law and any other
29 person who shares the person's home.

30 (4) "Control person" means any individual in control of a licensee or
31 applicant, any individual who seeks to acquire control of a licensee or a
32 key individual.

33 (5) "Electronic payment instrument" (A) means a card or other
34 tangible object (i) for the transmission of money or monetary value or
35 payment of money, (ii) which contains a microprocessor chip, magnetic
36 stripe [;] or other means for the storage of information, (iii) that is
37 prefunded, and (iv) for which the value is decremented upon each use,
38 [but] and (B) does not include a card or other tangible object that is
39 redeemable by the issuer in the issuer's goods or services.

40 (6) "Holder" means a person, other than a purchaser, who is either in
41 possession of a payment instrument and is the named payee thereon or
42 in possession of a payment instrument issued or endorsed to such
43 person or bearer or in blank. "Holder" does not include any person who
44 is in possession of a lost, stolen or forged payment instrument.

45 (7) "Key individual" means any individual ultimately responsible for

46 establishing or directing policies and procedures of the licensee,
47 including, but not limited to, an executive officer, manager, director or
48 trustee.

49 (8) "Licensee" means any person licensed or required to be licensed
50 pursuant to sections 36a-595 to 36a-612, inclusive.

51 (9) "Main office" has the same meaning as provided in section 36a-
52 485.

53 (10) "Monetary value" means a medium of exchange, whether or not
54 redeemable in money.

55 (11) "Money transmission" means engaging in the business of issuing
56 or selling payment instruments or stored value, receiving money or
57 monetary value for current or future transmission or the business of
58 transmitting money or monetary value within the United States or to
59 locations outside the United States by any and all means including, but
60 not limited to, payment instrument, wire, facsimile, electronic transfer
61 or virtual currency kiosk.

62 (12) "Outstanding" means (A) in the case of a payment instrument or
63 stored value, that [:] (i) [It] such instrument or value is sold or issued in
64 the United States, [:] (ii) a report of [it] such instrument or value has been
65 received by a licensee from its authorized delegates, [:] and (iii) [it] such
66 instrument or value has not yet been paid by the issuer, and (B) for all
67 other money transmissions, the value reported to the licensee for which
68 the licensee or any authorized delegate has received money or its
69 equivalent value from the customer for transmission, but has not yet
70 completed the money transmission by delivering the money or
71 monetary value to the person designated by the customer.

72 (13) "Passive investor" means a person that [:] (A) [Does] does not
73 have the power to elect a majority of key individuals or executive
74 officers, managers, directors, trustees or other persons exercising
75 managerial authority of a person in control of a licensee, [:] (B) is not
76 employed by and does not have any managerial duties of the licensee or

77 person in control of a licensee, [;] (C) does not have the power to
78 exercise, directly or indirectly, a controlling influence over the
79 management or policies of a licensee or person in control of a licensee,
80 [;] and (D) attests to subparagraphs (A), (B) and (C) of this subdivision
81 in the form and manner prescribed by the commissioner.

82 (14) "Payment instrument" means a check, draft, money order,
83 travelers check or electronic payment instrument that evidences either
84 an obligation for the transmission of money or monetary value or
85 payment of money, or the purchase or the deposit of funds for the
86 purchase of such check, draft, money order, travelers check or electronic
87 payment instrument.

88 (15) "Permissible investment" means [;] (A) [Cash] (i) cash in United
89 States currency, [;] including, but not limited to, demand deposits,
90 savings deposits and funds in demand deposit and savings deposit
91 accounts held for the benefit of a licensee's customers in an insured
92 depository institution, and (ii) cash equivalents, including, but not
93 limited to, (I) automated clearing house items in transit to a licensee or
94 payee, (II) international wires in transit to a payee, (III) cash in transit
95 via armored car, (IV) cash in smart safes, (V) cash in locations owned by
96 licensees, (VI) transmission receivables that are funded by debit cards
97 or credit cards and owed by any bank, and (VII) money market mutual
98 funds rated "AAA" or the equivalent by S & P Global, Incorporated, in
99 the "S & P Global Ratings" or by any other rating service recognized by
100 the commissioner, (B) time deposits, as defined in section 36a-2, or other
101 debt instruments of a bank, [;] (C) bills of exchange or bankers
102 acceptances which are eligible for purchase by member banks of the
103 Federal Reserve System, [;] (D) commercial paper of prime quality, [;]
104 (E) interest-bearing bills, notes, bonds, debentures or other obligations
105 issued or guaranteed by [;] (i) [The] the United States or any of its
106 agencies or instrumentalities, or (ii) any state, or any agency,
107 instrumentality, political subdivision, school district or legally
108 constituted authority of any state if such investment is of prime quality,
109 [;] (F) interest-bearing bills or notes, or bonds, debentures or preferred
110 stocks, traded on any national securities exchange or on a national over-

111 the-counter market, if such debt or equity investments are of prime
112 quality, [;] (G) receivables due from authorized delegates consisting of
113 the proceeds of the sale of payment instruments which are not past due
114 or doubtful of collection, [;] (H) gold, [;] and (I) any other investments
115 approved by the commissioner. Notwithstanding the provisions of this
116 subdivision, if the commissioner at any time finds that an investment of
117 a licensee is unsatisfactory for investment purposes, the investment
118 shall not qualify as a permissible investment.

119 (16) "Prime quality" of an investment means that it is within the top
120 four rating categories in any rating service recognized by the
121 commissioner unless the commissioner determines for any licensee that
122 only those investments in the top three rating categories qualify as
123 prime quality.

124 (17) "Purchaser" means a person who buys or has bought a payment
125 instrument or who has given money or monetary value for current or
126 future transmission.

127 (18) "Receipt" means a paper record, electronic record or other written
128 confirmation of a money transmission transaction.

129 [(18)] (19) "Stored value" means monetary value that is evidenced by
130 an electronic record. For the purposes of this subdivision, "electronic
131 record" means information that is stored in an electronic medium and is
132 retrievable in perceivable form.

133 [(19)] (20) "Travelers check" means a payment instrument for the
134 payment of money that contains a provision for a specimen signature of
135 the purchaser to be completed at the time of a purchase of the
136 instrument and a provision for a countersignature of the purchaser to
137 be completed at the time of negotiation.

138 [(20)] (21) "Unique identifier" has the same meaning as provided in
139 section 36a-485.

140 [(21)] (22) "Virtual currency" means any type of digital unit that is
141 used as a medium of exchange or a form of digitally stored value or that

142 is incorporated into payment system technology. Virtual currency shall
143 be construed to include digital units of exchange that (A) have a
144 centralized repository or administrator, [;] (B) are decentralized and
145 have no centralized repository or administrator, [;] or (C) may be created
146 or obtained by computing or manufacturing effort. Virtual currency
147 shall not be construed to include digital units that are used (i) solely
148 within online gaming platforms with no market or application outside
149 such gaming platforms, or (ii) exclusively as part of a consumer affinity
150 or rewards program, and can be applied solely as payment for
151 purchases with the issuer or other designated merchants, but cannot be
152 converted into or redeemed for fiat currency.

153 [(22)] (23) "Virtual currency address" means an alphanumeric
154 identifier representing a destination for a virtual currency transfer that
155 is associated with a virtual currency wallet.

156 [(23)] (24) "Virtual currency kiosk" means an electronic terminal
157 acting as a mechanical agent of the owner or operator to enable the
158 owner or operator to facilitate the exchange of virtual currency for fiat
159 currency or other virtual currency, including, but not limited to, by (A)
160 connecting directly to a separate virtual currency exchanger that
161 performs the actual virtual currency transmission, or (B) drawing upon
162 the virtual currency in the possession of the owner or operator of the
163 electronic terminal.

164 [(24)] (25) "Virtual currency wallet" means a software application or
165 other mechanism providing a means for holding, storing and
166 transferring virtual currency.

167 Sec. 2. Subsection (a) of section 36a-597 of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective October*
169 *1, 2024*):

170 (a) No person shall engage in the business of money transmission in
171 this state, or advertise or solicit such services, without a main office
172 license issued by the commissioner as provided in sections 36a-595 to
173 36a-612, inclusive, except as an authorized delegate of a person that has

174 been issued a license by the commissioner and in accordance with
175 section 36a-607. Any activity subject to licensure pursuant to sections
176 36a-595 to 36a-612, inclusive, shall be conducted from an office located
177 in a state, as defined in section 36a-2. On and after October 1, 2024, any
178 person who owns, operates, solicits, markets, advertises or facilitates
179 virtual currency kiosks in this state shall be deemed to be engaged in the
180 business of money transmission in this state and shall be subject to
181 licensure pursuant to sections 36a-595 to 36a-612, inclusive. A person
182 engaged in the business of money transmission is acting in this state
183 under this section if such person: (1) Has a place of business located in
184 this state, (2) receives money or monetary value in this state or from a
185 person located in this state, (3) transmits money or monetary value from
186 a location in this state or to a person located in this state, (4) issues stored
187 value or payment instruments that are sold in this state, [or] (5) sells
188 stored value or payment instruments in this state, or (6) owns, operates,
189 solicits, markets, advertises or facilitates virtual currency kiosks
190 physically located in this state.

191 Sec. 3. Section 36a-599 of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective October 1, 2024*):

193 (a) Each applicant for a money transmission license shall pay to the
194 system any required fees or charges and a license fee of one thousand
195 eight hundred seventy-five dollars. Each such license shall expire at the
196 close of business on December thirty-first of the year in which the license
197 was approved, unless such license is renewed, except that any such
198 license approved on or after November first shall expire at the close of
199 business on December thirty-first of the year following the year in which
200 it is approved. An application for renewal of a license shall be filed
201 between November first and December thirty-first of the year in which
202 the license expires. Each applicant for renewal of a money transmission
203 license shall pay to the system any required fees or charges and a
204 renewal fee of one thousand one hundred twenty-five dollars.

205 (b) Not later than fifteen days after the date a licensee ceases to
206 engage in the business of money transmission in this state for any

207 reason, including a business decision to terminate operations in this
208 state, license revocation, bankruptcy or voluntary dissolution, such
209 licensee shall request surrender of the license in accordance with
210 subsection (c) of section 36a-51 for each location where such licensee has
211 ceased to engage in such business. The licensee shall also identify, in
212 writing, to the commissioner the location where the records of the
213 licensee will be stored and the name, address and telephone number of
214 an individual authorized to provide access to the records. The surrender
215 of a license does not reduce or eliminate the licensee's civil or criminal
216 liability arising from acts or omissions occurring prior to the surrender
217 of the license, including any administrative actions undertaken by the
218 commissioner to revoke or suspend a license, assess a civil penalty,
219 order restitution or exercise any other authority provided to the
220 commissioner.

221 (c) Each license shall remain in force and effect until the license has
222 been surrendered, revoked or suspended or has expired in accordance
223 with the provisions of sections 36a-595 to 36a-612, inclusive. No
224 abatement of the license fee shall be made if the applicant is denied or
225 withdrawn prior to issuance of the license or if the license is
226 surrendered, revoked or suspended prior to the expiration of the period
227 for which it was issued. All fees required by this section shall be
228 nonrefundable.

229 (d) Each licensee shall maintain a detailed plan and accounting as to
230 how the licensee shall engage in winding down operations, and shall
231 provide such plan and accounting to the commissioner upon request.
232 Such plan and accounting shall contain:

233 (1) A record showing that the licensee's minimum net worth and
234 reserves are sufficient to prevent losses to consumers and purchasers
235 and to repay any outstanding obligations or accounts payable;

236 (2) Procedures to ensure that no consumer or purchaser funds are
237 retained by the licensee after winding down operations and no other
238 client funds are retained in any form by the licensee;

239 (3) A plan illustrating consumer access to any consumer funds in the
240 custody of the licensee;

241 (4) A detailed instruction on withdrawal of consumer funds upon
242 request by consumers; and

243 (5) Any other records and information requested by the
244 commissioner regarding the winding down of operations.

245 (e) No licensee shall terminate such licensee's business unless the
246 following conditions are met:

247 (1) The commissioner has received written notice of the proposed
248 termination at least thirty days prior to the effective date of such
249 proposed termination;

250 (2) All consumers, purchasers and users of the licensee are notified,
251 in writing, of the proposed termination and the date of such proposed
252 termination at least thirty days prior to the date of such proposed
253 termination;

254 (3) All consumers, purchasers and users of the licensee are provided
255 with detailed final accountings of their accounts;

256 (4) All money held in the custody of the licensee on behalf of
257 consumers, purchasers and users is remitted to such consumers,
258 purchasers and users; and

259 (5) The licensee has filed a request to surrender such licensee's license
260 and the commissioner has accepted such request.

261 Sec. 4. Subsections (f) to (h), inclusive, of section 36a-613 of the 2024
262 supplement to the general statutes are repealed and the following is
263 substituted in lieu thereof (*Effective October 1, 2024*):

264 (f) The [Banking Commissioner may establish a schedule of]
265 maximum [fees] fee that an owner or operator of a virtual currency kiosk
266 may charge for a specific [services] service is ten per cent per
267 transaction.

268 (g) There is established a maximum daily transaction limit of two
269 thousand five hundred dollars for each customer of a virtual currency
270 kiosk.

271 (h) The owner or operator of a virtual currency kiosk shall, at such
272 owner's or operator's cost and within seventy-two hours after a virtual
273 currency transaction, allow the customer to cancel and receive a full
274 refund for the virtual currency transaction if such virtual currency
275 transaction [:(1) Is] is the customer's first virtual currency transaction
276 with such owner or operator, [; and (2) is to a virtual currency wallet or
277 exchange located outside of the United States.]

278 Sec. 5. (NEW) (*Effective October 1, 2024*) (a) A licensee, or the licensee's
279 authorized delegate, shall provide to a sender of money a receipt for any
280 monetary value received for transmission by such licensee or delegate.
281 For a transaction conducted in person, the receipt may be provided
282 electronically if the sender requests or agrees to receive an electronic
283 receipt. For a transaction conducted electronically or by phone, the
284 receipt may be provided electronically. All electronic receipts shall be
285 provided in a retainable form. The receipt shall be in the English
286 language and the language principally used by the licensee or
287 authorized delegate to advertise, solicit or negotiate, either orally or in
288 writing.

289 (b) (1) The receipt shall contain the following information, as
290 applicable:

291 (A) The name of the sender;

292 (B) The name of the designated recipient;

293 (C) The date of the transaction;

294 (D) The unique transaction or identification number;

295 (E) The name of the licensee;

296 (F) The unique identifier;

- 297 (G) The licensee's business address;
- 298 (H) The licensee's customer service telephone number;
- 299 (I) The amount of the transaction expressed in United States currency;
- 300 (J) Any fee charged by the licensee to the sender for the transaction;
- 301 (K) Any tax collected by the licensee from the sender for the
- 302 transaction; and
- 303 (L) Any other fees charged directly or indirectly by the licensee or a
- 304 third party involved in the transaction.

305 (2) The licensee, or the licensee's authorized delegate, shall include
 306 on the receipt or disclose on the licensee's Internet web site or mobile
 307 application the name and telephone number of the Department of
 308 Banking and a statement disclosing that the licensee's customers may
 309 contact the department with questions or complaints about the
 310 licensee's money transmission services.

311 Sec. 6. Subsection (b) of section 36a-614 of the 2024 supplement to the
 312 general statutes is repealed and the following is substituted in lieu
 313 thereof (*Effective October 1, 2024*):

314 (b) The commissioner may, in accordance with the provisions of
 315 chapter 54, adopt, amend and rescind regulations, forms and orders
 316 governing the business use of digital assets, including, but not limited
 317 to, virtual currencies, [and] stablecoins and nonfungible tokens, by
 318 entities that, and individuals who, are subject to regulation by the
 319 commissioner, which regulations, forms and orders shall ensure
 320 consumer protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	36a-596
Sec. 2	October 1, 2024	36a-597(a)
Sec. 3	October 1, 2024	36a-599

Sec. 4	October 1, 2024	36a-613(f) to (h)
Sec. 5	October 1, 2024	New section
Sec. 6	October 1, 2024	36a-614(b)

Statement of Legislative Commissioners:

Section 1(5) was divided into Subparas. and "but" was changed to "[but] and" for clarity; in Section 3(d), "shall" was added before "provide" for clarity; in Section 3(e), "terminate its business" was changed to "terminate such licensee's business" for clarity and consistency with standard drafting conventions; and in Section 3(e)(5), "surrender its license" was changed to "surrender such licensee's license" for clarity and consistency with standard drafting conventions.

BA *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The makes various changes to the state's Money Transmission Act and other sections of the banking statutes regarding the regulation of virtual currency, resulting in no fiscal impact because the department can meet the requirements of the bill with existing resources.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5211*****AN ACT CONCERNING VIRTUAL CURRENCY AND MONEY TRANSMISSION.*****SUMMARY**

PA 23-82 generally (1) authorized the banking commissioner to regulate the business use of digital assets by entities and individuals under his regulatory jurisdiction and (2) created several requirements regulating virtual currency kiosks. This bill makes various related changes and other revisions to the state's Money Transmission Act, which regulates businesses, other than banks or credit unions, that receive and transmit money.

Principally, the bill:

1. explicitly adds nonfungible tokens (a.k.a. NFTs) to the list of digital asset examples that the banking commissioner may regulate (§ 6);
2. removes the foreign wallet prerequisite that restricted which first time virtual currency kiosk customers could receive refunds (§ 4(h));
3. eliminates the banking commissioner's authority to set a schedule of maximum service fees for virtual currency kiosks and instead caps all service fees at 10% per transaction (§ 4(f));
4. requires money transmitters to give senders of money a receipt for funds transmitted and sets the information that must be included on the receipt (e.g., date, sender's and recipient's names, fee, and transmitter's contact information) (§ 5);
5. directs money transmitters to have a plan and accounting for

winding down operations, which the bill outlines (e.g., records of sufficient finances and procedures for disbursing funds) (§ 3(d)); and

6. prohibits money transmitters from ending their businesses until certain notices and information are provided to the banking commissioner and consumers, funds have been distributed, and the commissioner has accepted the transmitter's request to surrender its license (§ 3(e)).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

§ 1 — MONEY TRANSMISSION ACT DEFINITION CHANGES

Permissible Investment

By law, "permissible investment" includes, among other things, cash in U.S. currency. The bill specifies that this cash includes cash equivalents, demand deposits, savings deposits, and funds in demand deposit and savings deposit accounts held in an insured depository institution for the benefit of the customers of a "licensee" (i.e., any person licensed or required to be licensed as a money transmitter). Under the bill, cash equivalents include:

1. automated clearing house items in transit to a licensee or payee;
2. international wires in transit to a payee;
3. cash in transit via armored car;
4. cash in smart safes;
5. cash in locations owned by licensees;
6. transmission receivables that are funded by debit cards or credit cards and owed by any bank; and
7. money market mutual funds rated "AAA" or the equivalent by S & P Global, Incorporated in the "S & P Global Ratings" or by any other rating service recognized by the banking commissioner.

The Money Transmission Act has several requirements for permissible investments that are affected by the bill's change. The affected existing provisions generally require:

1. money transmission license applicants to include a list of their permissible investments with their applications (CGS § 36a-598),
2. money transmission licensees to maintain permissible investments having a value at least equal to the aggregate amount of their outstanding money transmissions in Connecticut (CGS § 36a-603), and
3. money transmission licensees to file a list of permissible investments with the banking commissioner within 90 days of the end of their fiscal years (CGS § 36a-606).

Receipt

The bill adds a definition for "receipt," which means a paper record, electronic record, or other written confirmation of a money transmission transaction. It applies this definition to section five of the bill and the existing money transmission laws. (In doing so, the bill appears to create conflicts with several existing laws that currently use "receipt" with different meanings (see CGS §§ 36a-602, 36a-607, 36a-611 and 36a-613(d)).)

Other Definitions

Beyond the above terms, the bill also applies the Money Transmission Act's other existing definitions to section five of the bill that pertains to money transmission receipts.

§ 2 — LICENSING AND VIRTUAL CURRENCY KIOSKS

The bill explicitly requires, on and after October 1, 2024, any person who owns, operates, solicits, markets, advertises, or facilitates virtual currency kiosks physically located in Connecticut to have a money transmission license.

Existing law already prohibits any person from engaging in the business of money transmission, or advertising or soliciting money

transmitter services, without the license. PA 23-82 specified that the use of virtual currency kiosks for engaging in the business of transmitting money or monetary value is a type of “money transmission” under state law, which effectively subjected kiosk owners, operators, and others to the licensing and other existing requirements under the state’s Money Transmission Act.

§ 3 — LICENSEE WIND DOWN PLANNING AND EXECUTION

The bill requires each money transmission licensee to maintain a detailed plan and accounting as to how it will engage in winding down operations, which they must give to the banking commissioner upon request.

The plan and accounting must contain:

1. a record showing that the licensee has enough minimum net worth and reserves to prevent losses to consumers and purchasers and to repay any outstanding obligations or accounts payable,
2. procedures to ensure that consumer or purchaser funds are not kept by the licensee after winding down operations and other client funds are not kept in any form by the licensee,
3. a plan illustrating consumer access to any consumer funds in the custody of the licensee,
4. a detailed instruction on funds withdrawal upon consumers’ requests, and
5. any other records and information the commissioner requests regarding the winding down of operations.

The bill also prohibits licensees from terminating their businesses unless the following conditions are met:

1. the commissioner has received written notice of the proposed termination at least 30 days before its effective date;
2. all consumers, purchasers, and users of the licensee are (a)

notified, in writing, of the proposed termination and its date at least 30 days beforehand and (b) given detailed final accountings of their accounts;

3. all money held in the licensee's custody on behalf of consumers, purchasers, and users is remitted to them; and
4. the licensee has filed a request to surrender its license and the commissioner has accepted the request.

§ 4 — VIRTUAL CURRENCY KIOSK FEES AND REFUNDS

Current law allows the banking commissioner to establish a schedule of maximum fees that a virtual currency kiosk owner or operator may charge for specific services. The bill eliminates this authority and instead sets a statutory cap for the maximum fee that may be charged for a specific service at 10% per transaction.

Current law also requires virtual currency kiosk owners and operators to allow customers to cancel and receive a full refund, at the owner's or operator's cost, for a virtual currency transaction within 72 hours afterwards if it is (1) a customer's first transaction with the owner or operator and (2) to a virtual currency wallet or exchange located outside of the United States. The bill eliminates the second condition, thereby requiring owners and operators to provide refunds for first transactions, regardless of where the wallet or exchange is located.

§ 5 — MONEY TRANSMISSION RECEIPTS

The bill requires money transmission licensees, or their authorized delegates, to give "receipts" (see § 1 above). Specifically, to senders of money for any monetary value the licensee or delegate receives for transmission. By law, "monetary value" is a medium of exchange, whether or not redeemable in money.

The bill requires receipts to be in both English and the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing.

Receipts must also have the following information, as applicable:

1. the sender's and designated recipient's names;
2. the licensee's name, business address, and customer service telephone number;
3. the transaction date and amount expressed in U.S. currency;
4. the unique transaction or identification number;
5. the unique identifier;
6. any fee charged by the licensee to the sender for the transaction;
7. any tax collected by the licensee from the sender for the transaction; and
8. any other fees charged directly or indirectly by the licensee or a third party involved in the transaction.

Under the bill, electronic receipts must be given in a retainable form and may be given in specific circumstances. Specifically, for a transaction done in person, the receipt may be given electronically if the sender requests or agrees to receive an electronic receipt. For a transaction done electronically or by phone, the receipt may be given electronically.

Lastly, the bill requires the licensee, or the licensee's authorized delegate, to include on the receipt, or disclose on the licensee's website or mobile application, the name and telephone number of the Department of Banking and a statement disclosing that the licensee's customers may contact the department with questions or complaints about the licensee's money transmission services.

(PA 23-82 created a requirement that virtual currency kiosk owners and operators give customers a similar but different receipt after a transaction's completion (see CGS § 36a-613(e)). It is not clear how that requirement will function in practice with the bill's receipt requirements, such as if virtual currency kiosk owners and operators can satisfy both in a single receipt or if they must give two separate receipts.)

§ 6 — DIGITAL ASSET REGULATION

Existing law allows the banking commissioner to adopt regulations, forms, and orders governing the business use of digital assets by entities and individuals under his regulatory jurisdiction. By law, digital assets include virtual currencies and stablecoins. The bill explicitly adds nonfungible tokens as another example of these digital assets.

Existing law does not define virtual currency or stablecoin for the purposes of regulating digital assets and the bill similarly does not define nonfungible tokens. (Virtual currency is defined in state statutes for other purposes. The Federal Reserve has referred to stablecoins as cryptocurrencies that peg their value to a real-world asset, typically the U.S. dollar. The U.S. Government Accountability Office has referred to nonfungible tokens as digital identifiers, similar to a certificate of ownership, that represent a digital or physical asset.)

By law, the commissioner’s regulations, forms, and orders must ensure consumer protection and the commissioner may consult with federal and other states’ financial services regulators, other stakeholders, and industry professionals to ensure that digital assets receive, to the extent practicable, consistent treatment.

Under existing law, the commissioner has broad, general authority to adopt regulations within the jurisdiction of his position (CGS § 36a-10). The banking commissioner administers and enforces laws that apply to, among others, state-chartered banks and credit unions, mortgage lenders and brokers, small loan lenders, consumer collection agencies, money transmission businesses, securities broker-dealers, and investment advisors (CGS Titles 36a & 36b).

COMMITTEE ACTION

Banking Committee

Joint Favorable

Yea 12 Nay 0 (03/12/2024)