Agency Name: Board of Financial Institutions – Consumer Finance Division

Statutory Authority: 34-41-10 to 34-41-130

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Subject: Check-Cashing Service

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- 10/28/2022 Proposed Reg Published in SR

- 01/10/2023 Received President of the Senate & Speaker 05/10/2023

S 01/10/2023 Referred to Committee

H 01/11/2023 Referred to Committee

S 04/11/2023 Resolution Introduced to Approve 711

- 05/10/2023 Approved by: Expiration Date

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 provided for in the Regulation

Document No. 5140

**STATE BOARD OF FINANCIAL INSTITUTIONS**

**CONSUMER FINANCE DIVISION**

CHAPTER 15

Statutory Authority: 1976 Code Sections 34‑41‑10 to 34‑41‑130

15‑65. Check Cashing.

15‑66. Check Cashing – Use of the Nationwide Multistate Licensing System. (New)

**Synopsis:**

 The State Board of Financial Institutions (Board) seeks to amend R.15‑65 and add R.15‑66 regarding the use of the Nationwide Multistate Licensing System (NMLS) for check‑cashing applications, renewals, and other filings and to pay all fees and costs.

 The Notice of Drafting was published in the *State Register* on August 26, 2022.

**Instructions:**

 Print the regulations as shown below. All other items remain unchanged.

**Text:**

15‑65. Check Cashing.

 A. Definitions shall be those contained in the Act, S.C. Code Ann. Section 34‑41‑10 et seq. and the following:

 (1) Branch Location Certificate – means the certificate issued to each branch location of a licensee pursuant to 34‑41‑10(5).

 B. Application for licensure.

 (1) Licenses and Branch Location Certificates shall expire at the close of business on December 31st of each year.

 (2) License and Branch Location Certificate renewal fees for the subsequent year must be paid to the Board of Financial Institutions – Consumer Finance Division through the Nationwide Multistate Licensing System no later than December 31st of each year, the expiration date of the current year’s license and certificate.

15‑66. Check Cashing – Use of the Nationwide Multistate Licensing System.

 A. The Board requires check‑cashing licensees and applicants to use the Nationwide Multistate Licensing System (“NMLS”) for all application, renewal, and other filings.

 B. Pursuant to Section 34‑41‑40(A), the Board adopts as its own the forms and content requirements for all filings related to check‑cashing as set forth within NMLS. Any South Carolina specific requirements posted in NMLS shall be part of the adopted forms and required contents.

 C. After receiving and reviewing a filing in NMLS, the Consumer Finance Division may, if reasonable, request additional information or documentation from the applicant or licensee.

 D. Applicants and licensees shall pay all fees and costs through NMLS.

**Fiscal Impact Statement:**

 To implement these regulations, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 Section 34‑41‑130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The amendment to R.15‑65 and the addition of R.15.66 are intended to carry out the purposes of Chapter 41 and to assist applicants and licensees in understanding and complying with the application, renewal, and other processes for licensure.