

[First Reprint]

ASSEMBLY, No. 2174

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman PAUL DIGAETANO

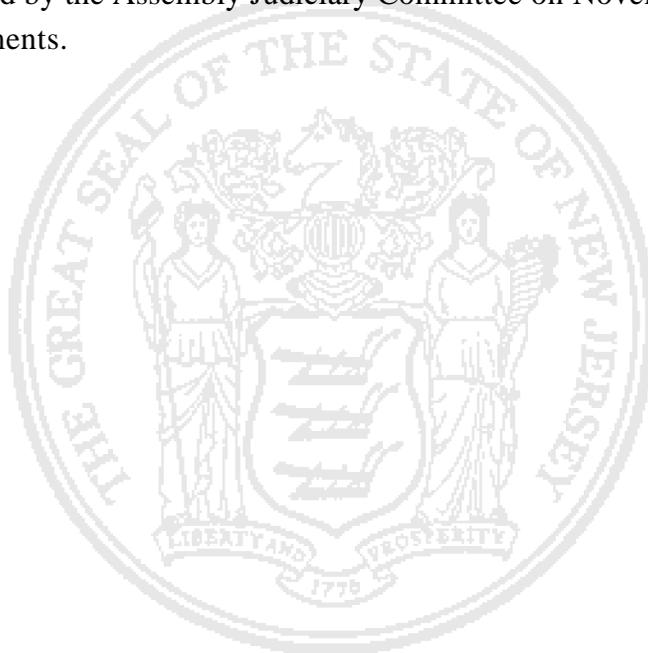
District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Makes it a criminal offense to cash a check for consideration without a license.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on November 16, 1998, with amendments.



1 AN ACT concerning the regulation of check cashing businesses and
2 amending P.L.1993, c.383.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 20 of P.L.1993, c.383 (C.17:15A-49) is amended to
8 read as follows:

9 20. a. Any person who knowingly cashes a check for consideration
10 without having first obtained a license as required by section 3 of
11 ¹[this act] P.L. 1993, c.383 (C.17:15A-32) ¹shall be [liable for a
12 penalty of not more than \$1,000 for each violation]guilty of ¹[a crime
13 of the third degree] an offense. If the face value of the check is in an
14 amount less than \$1,000.00 and the actor previously has not been
15 convicted of an offense under this section, the actor shall be guilty of
16 a disorderly persons offense. If the face value of the check is at least
17 \$1,000.00 but less than \$10,000.00 and the actor previously has not
18 been convicted of an offense under this section, the offense is a crime
19 of the fourth degree. If the face value of the check is \$10,000.00 or
20 more or if the actor previously has been convicted of an offense under
21 this section, the actor shall be guilty of a crime of the third degree. If
22 the person conducts a transaction that would be required to be
23 reported pursuant to the laws or regulations of this State had the actor
24 obtained the license required by section 3 of P.L.1993, c.383
25 (C.17:15A-32), the actor shall be guilty of a crime of the third degree.
26 Notwithstanding the provisions of N.J.S.2C:43-3 and in addition to
27 any other disposition made pursuant to Title 2C of the New Jersey
28 Statutes or any statute imposing sentences for crimes, any person
29 convicted of any offense defined in this section may be sentenced to
30 pay a fine not to exceed \$30,000.00¹. For the purposes of this section,
31 each check cashed for consideration without a license shall constitute
32 a separate violation.

33 b. ¹(1) In addition to any criminal penalties that may be imposed,
34 any person who cases a check for consideration without having first
35 obtained a license as required by section 3 of P.L.1993, c.383
36 (C.17:15A-32) shall be liable for a penalty of not more than \$1,000.00
37 for each violation. For the purposes of this paragraph, each check
38 cashd for consideration without a license shall constitute a separate
39 violation.

40 (2.)¹ Any person who violates or causes to be violated any
41 provision of this act or any order, rule or regulation made or issued
42 pursuant to this act shall be liable for a penalty, in addition to all other

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted November 16, 1998.

1 penalties or forfeitures imposed by this or any other law, of not more
2 than \$5,000 for each violation. Any person who shall aid or abet a
3 violation shall be equally liable for such a penalty as may be imposed
4 upon a principal violator. For the purpose of this
5 ¹[subsection]paragraph¹, a violation of any provision of this act or any
6 order of the commissioner or rule or regulation promulgated by the
7 commissioner pursuant thereto shall constitute a separate violation.

8 c. The commissioner may issue an order to any licensee who
9 violates any provision of this act or regulation promulgated
10 thereunder, ordering payment of the penalties provided in this act and
11 corrective action concerning the violation. Any person aggrieved by
12 any ruling, action, order, or notice of the commissioner shall be
13 entitled to a hearing. The application for such a hearing shall be filed
14 in writing with the commissioner within 15 days of receipt thereof.

15 d. Where any violation of any provision of this act is of a
16 continuing nature, each day during which the violation remains
17 uncorrected after the date fixed by the commissioner in any order or
18 notice for the correction or termination of such continuing violation
19 shall constitute a separate and distinct violation, except during the time
20 when an appeal from such an order is being taken.

21 e. The commissioner is hereby authorized and empowered to
22 compromise and settle any claim for a penalty under this section for an
23 amount that appears appropriate and equitable under the
24 circumstances.

25 f. The civil penalties provided for in this section, if not paid to the
26 commissioner within 30 days of their issuance, shall be collected in a
27 civil action brought in the name of the commissioner pursuant to the
28 provisions of "the penalty enforcement law," N.J.S.2A:58-1 et seq.

29 g. Penalties imposed pursuant to this act shall not diminish the
30 remedies which may be available to complainants through private
31 actions.

32 (cf: P.L.1993, c.383, s.20)

33

34 2. This act shall take effect immediately.