

SENATE No. 190

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act requiring the disclosure of check cashing and money transfer fees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after section 114 the following section:- Section 115. As used in
3 sections 115-116, inclusive, the following words shall, unless the context clearly requires
4 otherwise, have the following meanings:- “Check casher,” any individual, partnership,
5 association, joint stock association, trust or corporation, excluding the United States Government
6 and the government of this state, who exchanges cash or other value for any check, draft, money
7 order, personal money order, or other instrument for the transmission or payment of money,
8 except travelers checks and foreign drawn payment instruments, and who charges a fee for said
9 exchange.

10 “Money transfer,” accepting currency or funds denominated in the currency of any
11 country and transmitting the currency or funds, or the value of the currency or funds, by any
12 means through a financial agency or institution.

13 “Money transfer operator (MTO),” a business which provides check cashing, currency
14 exchange, or money transmitting or remittance services, or issues or redeems money orders,
15 travelers' checks, and other similar instruments.

16 SECTION 2. Said Chapter 93 is hereby further amended by inserting after section 115
17 the following section:-

18 Section 116. (a) A money transfer operator shall make available to all customers of their
19 service an itemized listing of any and all fees associated with their services. Said fees shall
20 include but not be limited to: flat fees, international money transfer fees, remittance taxes, and
21 exit fees. An itemized listing in accordance with this section shall be made available to the
22 customer prior to the completion of a money transfer.

23 (b) A check casher shall make available to all consumers of their service an itemized
24 listing of all fees associated with their services. Said fees shall include but not be limited to: flat
25 fees, international money transfer fees, remittance taxes, and exit fees. An itemized listing in
26 accordance with this section shall be made available to the customer prior to the completion of a
27 money transfer.

28 (c) The itemized listing of fees shall be in English and in the same language, if other than
29 English, as the language principally used by the financial institution or money transmitting
30 business, or any of its agents, to advertise, solicit, or negotiate, either orally or in writing, at the
31 office of the institution or business at which the money transfer is initiated.

32 (d) The provisions of this article shall not apply to:

33 (1) Any bank, trust company, savings association, savings and loan association,
34 savings bank or credit union which is chartered under the laws of this state or under federal law
35 and domiciled in this state.

36 (2) Any person who cashes checks at their face value and does not charge the
37 consumer a fee or otherwise receive any consideration from the consumer.