

Assembly Bill No. 1113

CHAPTER 110

An act to amend Section 12103 of the Financial Code, relating to business.

[Approved by Governor July 15, 2015. Filed with
Secretary of State July 15, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, Chau. Check Sellers, Bill Payers and Proraters Law.

Existing law, the Check Sellers, Bill Payers and Proraters Law, provides for the licensure and regulation of a check seller, defined as a person who, among other things, for compensation, engages in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose, by the Commissioner of Business Oversight. Under existing law, whenever in the opinion of the commissioner any person is engaged in business as a check seller without a license from the commissioner or any person or licensee is violating the law, the commissioner is authorized to order the person or licensee to desist and to refrain from engaging in that activity. Under existing law, if, after an order is made, a request for a hearing is filed in writing and no hearing is held within 30 days, the order is required to be deemed to have been rescinded.

This bill would, if, after an order has been served, a request for a hearing is filed in writing within 30 days of the date of service of the order, require a hearing to be held in accordance with the Administrative Procedure Act. Unless the hearing is commenced within 15 business days after the request for a hearing is filed or the person affected consents to a later date, the bill would require the order to be rescinded.

The people of the State of California do enact as follows:

SECTION 1. Section 12103 of the Financial Code is amended to read:

12103. Whenever in the opinion of the commissioner any person is engaged in business as a check seller as defined in this division without a license from the commissioner, or any person or licensee is violating any provision of this division, the commissioner may order the person or licensee to desist and to refrain from engaging in such business or further violating this division. If, after an order has been served, a request for a hearing is filed in writing within 30 days of the date of service of the order by the person to whom the order was directed, a hearing shall be held in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and the commissioner shall have all of the powers granted under that chapter. Unless

the hearing is commenced within 15 business days after the request for a hearing is filed or the person affected consents to a later date, the order is rescinded.