



Rep. Mark L. Walker

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10300HB3479ham001

LRB103 29212 BMS 59307 a

1 AMENDMENT TO HOUSE BILL 3479

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3479 on page 14,  
3 line 8, after "(7)", by inserting "or (16)"; and

4 on page 23, line 2, by deleting "that"; and

5 on page 25, line 7, by deleting "next"; and

6 on page 26, line 21, by deleting "next"; and

7 on page 31, line 16, by replacing "FBI" with "Federal Bureau of  
8 Investigation"; and

9 on page 32, line 19, by replacing "Illinois" with "the  
10 Department"; and

11 on page 51, line 21, by replacing "Between" with "between";  
12 and

1 on page 57, line 10, by replacing "after" with "of"; and

2 on page 58, by deleting lines 14 through 23; and

3 on page 58, line 24, by replacing "(c)" with "(b)"; and

4 on page 59, immediately below line 23, by inserting the  
5 following:

6 "(c) This Section does not apply to:

7 (1) money received for transmission subject to the  
8 federal Remittance Rule, 12 CFR Part 1005, Subpart B, as  
9 amended or recodified from time to time;

10 (2) money received for transmission pursuant to a  
11 written agreement between the licensee and payee to  
12 process payments for goods or services provided by the  
13 payee;

14 (3) payroll processing services; or

15 (4) as authorized in the Secretary's sole  
16 discretion."; and

17 by replacing line 10 on page 68 through line 6 on page 69 with  
18 the following:

19 "(i) the original letter of credit, including  
20 any amendments; and

21 (ii) A written statement from the beneficiary

1           stating that any of the following events have  
2           occurred:

3                   (I) the filing of a petition by or against  
4                   the licensee under the United States  
5                   Bankruptcy Code, 11 U.S.C. Sections 101  
6                   through 110, as amended or recodified from  
7                   time to time, for bankruptcy or  
8                   reorganization;

9                   (II) the filing of a petition by or  
10                   against the licensee for receivership, or the  
11                   commencement of any other judicial or  
12                   administrative proceeding for its dissolution  
13                   or reorganization;

14                   (III) the seizure of assets of a licensee  
15                   by the Secretary pursuant to an emergency  
16                   order issued in accordance with applicable  
17                   law, on the basis of an action, violation, or  
18                   condition that has caused or is likely to  
19                   cause the insolvency of the licensee; or

20                   (IV) the beneficiary has received notice  
21                   of expiration or nonextension of a letter of  
22                   credit and the licensee failed to demonstrate  
23                   to the satisfaction of the beneficiary that  
24                   the licensee will maintain permissible  
25                   investments in accordance with subsection (a)  
26                   of Section 10-3 upon the expiration or

1 nonextension of the letter of credit."; and

2 on page 74, line 7, by replacing "willful blindness" with

3 "grossly negligent inattention to its legal obligations"; and

4 on page 78, immediately below line 11, by inserting the

5 following:

6 "Section 11-4. Orders to cease and desist; civil penalties.

7 (a) If the Secretary determines that a licensee, an

8 authorized delegate, or any other person has engaged or is

9 engaged in practices contrary to this Act, the rules adopted

10 under this Act, or an order issued under this Act, the

11 Secretary may issue an order requiring the licensee or

12 authorized delegate to cease and desist from the violation.

13 The order becomes effective upon service of it upon the

14 licensee or authorized delegate.

15 (b) The Secretary may issue an order against a licensee to

16 cease and desist from providing money transmission through an

17 authorized delegate that is the subject of a separate order by

18 the Secretary.

19 (c) The Secretary may, in addition to or without the

20 issuance of a cease and desist order, assess a penalty of up to

21 \$1,000 against a licensee or other person for each violation

22 of this Act, the rules adopted under this Act, or an order

23 issued under this Act as set forth in Section 11-6. The

24 issuance of an order under this Section shall not be a

1 prerequisite to the taking of any action by the Secretary  
2 under this Section or any other Section of this Act.

3 (d) The Secretary shall issue a formal written notice of  
4 the cease and desist order, setting forth the specific reasons  
5 for the order and serve the licensee or the authorized  
6 delegate, either personally or by certified mail. Service by  
7 certified mail shall be deemed completed when the notice is  
8 deposited in United States mail."; and

9 on page 81, line 20, by replacing "they conflict" with "this  
10 Act conflicts"; and

11 on page 81, line 21, by replacing "establish" with "this Act  
12 establishes"; and

13 on page 84, by replacing lines 18 through 21 with the  
14 following:

15 "Confidential supervisory information" means information  
16 or documents obtained by employees, agents, or representatives  
17 of the Department in the course of any examination,  
18 investigation, audit, visit, registration, certification,  
19 review, licensing, or any other regulatory or supervisory  
20 activity pursuant to this Act, and any record prepared or  
21 obtained by the Department to the extent that the record  
22 summarizes or contains information derived from any report,  
23 document, or record described in this Act."; and

1 on page 86, immediately below line 11, by inserting the  
2 following:

3 "Digital asset business activity" does not include the  
4 development and dissemination of software in and of itself.";  
5 and

6 on page 95, lines 21 through 23, by replacing "Financial  
7 Protection Fund" each time it appears with "Digital Assets  
8 Regulation Fund"; and

9 on page 96, lines 5 and 6, by replacing "Financial Protection  
10 Fund" with "Digital Assets Regulation Fund"; and

11 on page 106, lines 3 through 5, by deleting ". The telephone  
12 line shall be operative 24 hours per day, Monday through  
13 Sunday"; and

14 on page 112, line 14, by replacing "State" with "state"; and

15 on page 112, by deleting lines 22 through 26; and

16 on page 121, line 3, after "Regulations,", by inserting "or a  
17 charter as a New York State limited purpose trust company with  
18 approval to conduct virtual currency business under the New  
19 York Banking Law,"; and

1 on page 121, line 3, after "license", by inserting "or  
2 approval"; and

3 on page 123, line 1, by replacing "State" with "state"; and

4 on page 131, line 5, by replacing "State" with "state"; and

5 on page 142, line 16, by replacing "Article" with "Section";  
6 and

7 on page 147, line 15, after "under", by inserting "this"; and

8 on page 148, lines 12 and 13, by replacing "student loan  
9 servicing transaction" with "digital asset business activity";  
10 and

11 on page 152, line 2, by replacing "State" with "state"; and

12 by replacing line 23 on page 153 through line 11 on page 154  
13 with the following:

14 " (a) Confidential supervisory information shall, unless  
15 made a matter of public record, not be subject to disclosure  
16 under the Freedom of Information Act, and shall only be  
17 subject to disclosure pursuant to subpoena or court order as  
18 provided in subsection (e)."; and

1 on page 154, line 17, by replacing "State" with "state"; and

2 on page 154, by replacing line 20 through line 23 with "under  
3 this Act (1) shall not be subject to disclosure under the  
4 Freedom of Information Act, and (2) to the extent the records  
5 contain confidential supervisory information, shall only be  
6 subject to disclosure pursuant to subpoena or court order as  
7 provided in subsection (e)."; and

8 on page 155, lines 10 through 14, by replacing "State" each  
9 time it appears with "state"; and

10 on page 158, lines 6 and 7, by deleting "and any other  
11 financial law administered by the Department"; and

12 on page 159, line 10, by deleting "; applicability"; and

13 by deleting line 19 on page 159 through line 2 on page 160; and

14 on page 160, immediately below line 2, by inserting the  
15 following:

16 "Section 135-10. Transition period.

17 (a) A covered person engaging in digital asset business  
18 activity without a license under this Act shall not be  
19 considered in violation of Section 115-5 until January 1,



1 2025.

2 (b) A covered person engaging in digital asset business  
3 activity shall not be considered in violation of Sections  
4 105-5, 105-10, and 105-20 until January 1, 2024.

5 (c) A covered exchange shall not be considered in  
6 violation of Section 105-15 until January 1, 2025.

7 (d) Notwithstanding the foregoing, the Department may  
8 adopt rules pursuant to this Act upon this Act becoming law  
9 with such rules not to take effect earlier than January 1,  
10 2024."; and

11 on page 169, line 20, by replacing "Financial Protection Fund"  
12 with "Digital Assets Regulation Fund"; and

13 on page 197, line 12, by replacing "~~like~~" with "like".