



Sen. Laura Ellman

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10300SB3412sam001

LRB103 35570 RTM 71958 a

1 AMENDMENT TO SENATE BILL 3412

2 AMENDMENT NO. _____. Amend Senate Bill 3412 on page 14,
3 line 6, after "(7)", by adding "or (16)"; and

4 on page 15, by deleting lines 5 through 7; and

5 on page 22, line 23, by deleting "that"; and

6 on page 25, line 4, by deleting "next"; and

7 on page 26, line 18, by deleting "next"; and

8 on page 36, line 2, by replacing "The" with "(a) The"; and

9 on page 57, line 7, by replacing "after" with "of"; and

10 on page 61, line 21, by replacing "\$1,000,000" with
11 "\$100,000"; and

1 on page 67, line 8, by replacing "If" with "In the event of";
2 and

3 on page 68, by replacing lines 6 through 22 with the following:

4 "date of the letter of credit:

5 (i) the original letter of credit (including
6 any amendments); and

7 (ii) a written statement from the beneficiary
8 stating that any of the following events have
9 occurred:

10 (I) the filing of a petition by or against
11 the licensee under the United States
12 Bankruptcy Code, 11 U.S.C. 101 through 110, as
13 amended or recodified from time to time, for
14 bankruptcy or reorganization;

15 (II) the filing of a petition by or
16 against the licensee for receivership, or the
17 commencement of any other judicial or
18 administrative proceeding for its dissolution
19 or reorganization;

20 (III) the seizure of assets of a licensee
21 by a Secretary pursuant to an emergency order
22 issued in accordance with applicable law, on
23 the basis of an action, violation, or
24 condition that has caused or is likely to

1 cause the insolvency of the licensee; or

2 (IV) the beneficiary has received notice
3 of expiration or nonextension of a letter of
4 credit and the licensee failed to demonstrate
5 to the satisfaction of the beneficiary that
6 the licensee will maintain permissible
7 investments in accordance with subsection (a)
8 of Section 10-3 upon the expiration or
9 nonextension of the letter of credit."; and

10 on page 74, line 4, by replacing "willful blindness" with
11 "grossly negligent inattention to its legal obligations"; and

12 on page 78, immediately below line 8, by inserting the
13 following:

14 "Section 11-4. Orders to cease and desist and civil
15 penalties.

16 (a) If the Secretary determines that a licensee, an
17 authorized delegate, or any other person has engaged or is
18 engaged in practices contrary to this Act, the rules adopted
19 under this Act, or an order issued under this Act, the
20 Secretary may issue an order requiring the licensee or
21 authorized delegate to cease and desist from the violation.
22 The order becomes effective upon service of it upon the
23 licensee or authorized delegate.

1 (b) The Secretary may issue an order against a licensee to
2 cease and desist from providing money transmission through an
3 authorized delegate that is the subject of a separate order by
4 the Secretary.

5 (c) The Secretary may, in addition to or without the
6 issuance of a cease and desist order, assess a penalty up to
7 \$1,000 against a licensee or other person for each violation
8 of this Act, the rules adopted under this Act, or an order
9 issued under this Act as set forth in Section 11-6. The
10 issuance of an order under this Section shall not be a
11 prerequisite to the taking of any action by the Secretary
12 under this or any other Section of this Act.

13 (d) The Secretary shall issue a formal written notice of
14 the cease and desist order, setting forth the specific reasons
15 for the order and serve the licensee or the authorized
16 delegate, either personally or by certified mail. Service by
17 certified mail shall be deemed completed when the notice is
18 deposited in the U.S. Mail."; and

19 on page 82, by replacing lines 10 and 11 with the following:

20 "(e) A provider of payroll processing services that was
21 not licensed pursuant to the Transmitters of Money Act on the
22 effective date of this Act and transmitted no more than
23 \$10,000,000 in calendar year 2023 shall not be required to be
24 licensed and comply with this Act until October 1, 2024. A
25 provider of payroll processing services that was not licensed

1 pursuant to the Transmitters of Money Act on the effective
2 date of this Act and transmitted no more than \$10,000,000 in
3 calendar year 2023 shall not be penalized for providing such
4 services before the effective date of this Act if the provider
5 submits a completed application for licensure prior to October
6 1, 2024.

7 (f) Except as otherwise stated, this Act supersedes the
8 Transmitters of Money Act.".