

# STATE OF NEW YORK

3237

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sens. SEPULVEDA, COMRIE, PARKER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Banks

AN ACT to amend the banking law, in relation to enacting the "community financial services access and modernization act of 2023"; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known as and may be cited as the "community financial services access and modernization act of 2023".

§ 2. Paragraph (b) of subdivision 5 of section 18-a of the banking law, as amended by chapter 155 of the laws of 2012, is amended to read as follows:

(b) two thousand dollars when the application relates to the licensing of an additional location or change of location or the licensing of a ~~mobile unit~~ limited station of a licensed casher of checks; or

§ 3. Section 366 of the banking law, as amended by chapter 49 of the laws of 1961, subdivision 1 as amended by chapter 849 of the laws of 1964 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, and subdivisions 2 and 3 as renumbered by chapter 132 of the laws of 1969, is amended to read as follows:

§ 366. Definitions. When used in this article. 1. The term "licensed casher of checks" means any ~~individual, partnership, unincorporated association or corporation~~ person duly licensed by the superintendent of financial services to engage in business pursuant to the provisions of this article.

2. The term "licensee" means a licensed casher of checks, drafts and/or money orders.

3. The term ~~"mobile unit"~~ "limited station" means any vehicle or other movable means from which the business of cashing checks, drafts or money orders is to be conducted.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

LBD02291-01-3

1 4. The term "person" means any individual or other legal entity,  
2 including any corporation, partnership, association or limited liability  
3 company.

4 § 4. Section 367 of the banking law, as amended by chapter 151 of the  
5 laws of 1945, subdivision 3 as amended by section 7 of part D-1 of chap-  
6 ter 109 of the laws of 2006, and subdivision 4 as amended by chapter 96  
7 of the laws of 1981, is amended to read as follows:

8 § 367. License requirements; fees; capital requirements. 1. No  
9 person[~~, partnership, association or corporation~~] shall engage in the  
10 business of cashing checks, drafts or money orders for a consideration  
11 without first obtaining a license from the superintendent.

12 2. Application for such license shall be in writing, under oath, and  
13 in the form prescribed by the superintendent, and shall contain the  
14 name, and the address both of the residence and place of business, of  
15 the applicant, and if the applicant is a co-partnership [~~or~~], associ-  
16 ation or limited liability company, of every member thereof, and if a  
17 corporation, of each officer and director thereof; also, if the business  
18 is to be conducted at a specific address, the address at which the busi-  
19 ness is to be conducted, and if the business is to be conducted from a  
20 [~~mobile-unit~~] limited station, the New York state registration number or  
21 other identification of such [~~mobile-unit~~] limited station and the area  
22 in which the applicant proposes to operate such [~~mobile-unit~~] limited  
23 station; and also such further information as the superintendent may  
24 require.

25 3. Such applicant at the time of making such application shall pay to  
26 the superintendent a fee as prescribed pursuant to section eighteen-a of  
27 this chapter for investigating the application. Any licensee requesting  
28 a change of address, shall at the time of making such request, pay to  
29 the superintendent a fee as prescribed pursuant to section eighteen-a of  
30 this chapter for investigating the new address; provided, however, that  
31 the superintendent may, in his or her discretion, waive such investi-  
32 gation fee if warranted, and provided further, that no fee shall be  
33 payable for the relocation of a limited station.

34 4. Every applicant shall prove, in form satisfactory to the super-  
35 intendent that he or it has available for the operation of such busi-  
36 ness, for each location and for each [~~mobile-unit~~] limited station spec-  
37 ified in the application, liquid assets of at least ten thousand  
38 dollars, and every licensee shall continuously maintain for the opera-  
39 tion of such business for each location and for each [~~mobile-unit~~]  
40 limited station liquid assets of at least ten thousand dollars. Notwith-  
41 standing the foregoing provisions of this subdivision, the superinten-  
42 dent, upon application by an applicant and for good cause shown, may  
43 permit a reduction from ten thousand dollars to not less than five thou-  
44 sand dollars of minimum liquid assets required for each location.

45 § 5. Section 369 of the banking law, as amended by chapter 151 of the  
46 laws of 1945, subdivision 1 as amended by chapter 233 of the laws of  
47 2005, subdivisions 4 and 5 as amended by chapter 132 of the laws of  
48 1969, subdivision 6 as amended by section 1 of subpart A of part II of  
49 chapter 55 of the laws of 2019, and subdivision 7 as added by chapter  
50 485 of the laws of 1947, is amended to read as follows:

51 § 369. Conditions precedent to issuing license; issuance and filing of  
52 license; posting license. 1. If the superintendent shall find that the  
53 financial responsibility, experience, character, and general fitness of  
54 the applicant, and of the members thereof if the applicant be a co-part-  
55 nership [~~or~~], association or limited liability company, and of the offi-  
56 cers and directors thereof if the applicant be a corporation, are such

1 as to command the confidence of the community and to warrant belief that  
2 the business will be operated honestly, fairly, and efficiently within  
3 the purposes of this article, and if the superintendent shall find that  
4 the granting of such application will promote the convenience and advantage of the area in which such business is to be conducted, and if the  
5 superintendent shall find that the applicant has available for the operation of such business for each location and for each ~~[mobile unit]~~  
6 limited station specified in the application liquid assets of at least  
7 ten thousand dollars, the superintendent shall thereupon execute a  
8 license in duplicate to permit the cashing of checks, drafts and money  
9 orders in accordance with the provisions of this article at the location  
10 or in the area specified in such application. In finding whether the  
11 application will promote the convenience and advantage to the public,  
12 the superintendent shall determine whether there is a community need for  
13 a new licensee in the proposed area to be served. No license shall be  
14 issued to an applicant for a license, at a location to be licensed which  
15 is closer than one thousand five hundred eighty-four feet (three-tenths  
16 of a mile) from an existing licensee, except with the written consent of  
17 such existing licensee or pursuant to subdivision three of section three  
18 hundred seventy of this article, subject to any restriction or condition  
19 as the superintendent may promulgate by regulation; provided, however,  
20 the superintendent may permit a location to be licensed that is closer  
21 than three-tenths of a mile from an existing licensee provided such  
22 applicant engages in the cashing of checks, drafts or money orders only  
23 for payees of such checks, drafts or money orders that are other than  
24 natural persons at the location to be licensed and such applicant was  
25 engaged in the cashing of such checks, drafts or money orders for payees  
26 that are other than natural persons at such location on or before the  
27 fourteenth day of July, two thousand four, and provided further that  
28 upon licensing any such location by the superintendent, such license as  
29 it pertains solely to such location shall not be affected thereafter by  
30 any change of control of such license pursuant to section three hundred  
31 seventy-a of this article, provided that the licensee continues thereafter to engage at that location in the cashing of checks, drafts or  
32 money orders only for payees that are other than natural persons and  
33 provided further that such license shall bear a legend stating that such  
34 location is restricted to the cashing of checks, drafts or money orders  
35 only for payees that are other than natural persons. The three-tenths of  
36 a mile distance requirement as set forth in this section shall not apply  
37 in cases where the existing licensee is a restricted location as authorized in the preceding sentence, or is any other licensed location that  
38 engages solely in the cashing of checks, drafts or money orders only for  
39 payees that are other than natural persons. For purposes of this  
40 section, such distance shall be measured on a straight line along the  
41 street between the nearest point of the store fronts of the check cashing facilities. The primary business of the licensee, at the location to  
42 be licensed, shall be financial services. The superintendent shall transmit one copy of such license to the applicant and file another in the  
43 office of the department. Notwithstanding the foregoing provisions of  
44 this subdivision, the superintendent, upon application by an applicant  
45 and for good cause shown, may permit a reduction from ten thousand  
46 dollars to not less than five thousand dollars of minimum liquid assets  
47 required for each location.

48 2. Such license shall state the name of the licensee; and if the  
49 licensee is a co-partnership ~~[or]~~, association or limited liability  
50 company, the names of the members thereof; and if the licensee is a

1 corporation, the date of its incorporation; and if the business is to be  
2 conducted at a specific address, the address at which such business is  
3 to be conducted; and if the business is to be conducted through the use  
4 of a [~~mobile-unit~~] limited station, the New York state registration  
5 number or other identification of such [~~mobile-unit~~] limited station and  
6 the area in which such [~~mobile-unit~~] limited station is authorized to do  
7 business.

8 3. Such license shall be kept conspicuously posted in the place of  
9 business of the licensee or, in the case of a [~~mobile-unit~~] limited  
10 station, upon such [~~mobile-unit~~] limited station. Such license shall  
11 not be transferable or assignable.

12 4. Such license shall remain in full force and effect until it is  
13 surrendered by the licensee or revoked or suspended as provided in this  
14 article.

15 5. If the superintendent shall find that the applicant fails to meet  
16 any of the conditions set forth in subdivision one of this section, he  
17 or she shall not issue such license, and he or she shall notify the  
18 applicant of the denial. If an application is denied or withdrawn, the  
19 superintendent shall retain the investigation fee to cover the costs of  
20 investigating the application and return the license fee to the appli-  
21 cant.

22 6. The superintendent may, consistent with article twenty-three-A of  
23 the correction law, refuse to issue a license pursuant to this article  
24 if he or she shall find that the applicant, or any person who is a  
25 director, officer, partner, agent, employee or substantial stockholder  
26 of the applicant, (a) has been convicted of a crime in any jurisdiction  
27 or (b) is associating or consorting with any person who has, or persons  
28 who have, been convicted of a crime or crimes in any jurisdiction or  
29 jurisdictions. For the purposes of this article, a person shall be  
30 deemed to have been convicted of a crime if such person shall have  
31 pleaded guilty to a charge thereof before a court or magistrate, or  
32 shall have been found guilty thereof by the decision or judgment of a  
33 court or magistrate or by the verdict of a jury, irrespective of the  
34 pronouncement of sentence or the suspension thereof. The term "substan-  
35 tial stockholder," as used in this subdivision, shall be deemed to refer  
36 to a person owning or controlling ten per centum or more of the total  
37 outstanding stock of the corporation in which such person is a stock-  
38 holder. In making a determination pursuant to this subdivision, the  
39 superintendent shall require fingerprinting of the applicant. Such fing-  
40 erprints shall be submitted to the division of criminal justice services  
41 for a state criminal history record check, as defined in subdivision one  
42 of section three thousand thirty-five of the education law, and may be  
43 submitted to the federal bureau of investigation for a national criminal  
44 history record check.

45 7. No license pursuant to this article shall be issued to any appli-  
46 cant to do business at the place specified in the application as the  
47 place where the business is to be conducted if, within the twelve months  
48 preceding such application, a license to engage in business pursuant to  
49 this article at such place shall have been revoked.

50 § 6. Section 370 of the banking law, as amended by chapter 151 of the  
51 laws of 1945, subdivision 2 as amended by section 38 of part O of chap-  
52 ter 59 of the laws of 2006 and subdivision 3 as amended by chapter 703  
53 of the laws of 2006, is amended to read as follows:

54 § 370. Restrictions as to place or area of doing business; establish-  
55 ment of stations; change of location. 1. No more than one place of busi-  
56 ness or one [~~mobile-unit~~] limited station shall be maintained under the

1 same license; provided, however, that more than one license may be  
2 issued to the same licensee upon compliance with the provisions of this  
3 article for each new license.

4 2. Any licensed casher of checks may open and maintain, within this  
5 state, one or more limited stations for the purpose of cashing checks,  
6 drafts or money orders for the particular group or groups specified in  
7 the license authorizing each such station. Such stations shall be  
8 licensed pursuant to and be subject to all the provisions of this chap-  
9 ter applicable to licensed cashers of checks, except that (a) such  
10 station shall not be subject to the distance limitation set forth in  
11 subdivision one of section three hundred sixty-nine of this article, (b)  
12 the fee for investigating the application for a station shall be as  
13 prescribed pursuant to section eighteen-a of this chapter, and (c) where  
14 such a station is at the premises of a specified employer for the  
15 purpose of cashing checks, drafts and money orders for the employees of  
16 such employer, the fees and charges for cashing such checks, drafts or  
17 money orders shall not be subject to the limitations of subdivision one  
18 of section three hundred seventy-two of this article if such fees and  
19 charges are paid by such employer.

20 3. A licensee may make a written application to the superintendent for  
21 leave to change his or her place of business, or in the case of a  
22 ~~[mobile-unit]~~ limited station, the area in which such unit is authorized  
23 to be operated, stating the reasons for such proposed change. Such  
24 application may be approved for relocation from a site within three-  
25 tenths of a mile of another licensee to another site within three-tenths  
26 of a mile of such other licensee provided that such new site is farther  
27 from such existing licensee than the site from which permission to relo-  
28 cate is sought. Only in situations in which a licensee seeks to change  
29 its place of business due to extraordinary circumstances, as may be  
30 determined by the superintendent pursuant to regulations, may the super-  
31 intendent, in his or her discretion, determine that an application may  
32 be approved for relocation from a site within three-tenths of a mile of  
33 another licensee to a new site which is closer to such existing licensee  
34 than the site from which permission to relocate is sought. Notwithstand-  
35 ing any other provision of this subdivision, a licensee may relocate  
36 from any location to a location that is within three-tenths of a mile  
37 from another licensee with the written consent of the other licensee. If  
38 the superintendent approves such application he or she shall issue a new  
39 license in duplicate in accordance with the provisions of section three  
40 hundred sixty-nine of this article, stating the new location of such  
41 licensee or, in the case of a ~~[mobile-unit]~~ limited station, the new  
42 area in which such ~~[mobile-unit]~~ limited station may be operated.

43 § 7. Subdivision 4 of section 370-a of the banking law, as added by  
44 chapter 142 of the laws of 1992, is amended to read as follows:

45 4. As used in this section ~~[(a) the term "person" includes an indi-~~  
46 ~~vidual, partnership, corporation, association or any other organization,~~  
47 ~~and (b)]~~, the term "control" means the possession, directly or indirect-  
48 ly, of the power to direct or cause the direction of the management and  
49 policies of a licensee, whether through the ownership of voting stock of  
50 such licensee, the ownership of voting stock of any person which  
51 possesses such power or otherwise. Control shall be presumed to exist if  
52 any person, directly or indirectly, owns, controls or holds with power  
53 to vote ten per centum or more of the voting stock of any licensee or of  
54 any person which owns, controls or holds with power to vote ten per  
55 centum or more of the voting stock of any licensee, but no person shall  
56 be deemed to control a licensee solely by reason of being an officer or



1 director of such licensee or person. The superintendent may in his or  
2 her discretion, upon the application of a licensee or any person who,  
3 directly or indirectly, owns, controls or holds with power to vote or  
4 seeks to own, control or hold with power to vote any voting stock of  
5 such licensee, determine whether or not the ownership, control or hold-  
6 ing of such voting stock constitutes or would constitute control of such  
7 licensee for purposes of this section.

8 § 8. Section 371 of the banking law, as added by chapter 151 of the  
9 laws of 1945, is amended to read as follows:

10 § 371. Regulations. The superintendent is hereby authorized and  
11 empowered to make such rules and regulations, and such specific rulings,  
12 demands, and findings as he or she may deem necessary for the proper  
13 conduct of the business authorized and licensed under and for the  
14 enforcement of this article, in addition hereto and not inconsistent  
15 herewith.

16 § 9. Section 372 of the banking law, as amended by chapter 151 of the  
17 laws of 1945, the section heading and subdivision 1 as amended and  
18 subdivision 7 as added by chapter 432 of the laws of 2004, subdivisions  
19 2, 3 and 4 as added and subdivisions 5 and 6 as renumbered by chapter  
20 263 of the laws of 1983, and subdivision 6 as added by chapter 485 of  
21 the laws of 1947, is amended to read as follows:

22 § 372. Fees and charges; posting schedule; records and reports. 1. The  
23 superintendent shall, by regulation, establish the maximum fees which  
24 may be charged by licensees for cashing a check, draft, or money order.  
25 No licensee shall charge or collect any sum for cashing a check, draft,  
26 or money order in excess of that established by the superintendent's  
27 regulations; provided, however, that no maximum fee shall apply to the  
28 charging of fees by licensees for the cashing of checks, drafts or money  
29 orders for payees of such checks, drafts or money orders that are other  
30 than natural persons.

31 2. The schedule of fees and charges permitted under this section shall  
32 be conspicuously and continuously posted in every location and [~~mobil~~  
33 ~~unit~~] limited station licensed under this article.

34 3. Only in the case of an internet, digital or other electronic adver-  
35 tisement or solicitation, a licensee shall be deemed to have fulfilled  
36 the disclosure requirements required by law with respect to such inter-  
37 net, digital or other electronic advertisement or solicitation only by  
38 displaying the disclosures on its website, so long as the advertisement  
39 or solicitation includes a link directly to such website, and provided  
40 this does not modify in-store disclosure requirements.

41 4. No change in fees shall become effective earlier than thirty days  
42 after the superintendent shall notify the majority leader of the senate,  
43 the speaker of the assembly, and the chairmen of both the senate and  
44 assembly committees on banks of his or her intention to change fees.

45 [~~4.~~] 5. The fees in effect immediately prior to the effective date of  
46 this subdivision shall continue to be the maximum allowable fees until  
47 revised by the superintendent's regulations.

48 [~~5.~~] 6. Each licensee shall keep and use in its business such books,  
49 accounts, and records as the superintendent may require to carry into  
50 effect the provisions of this article and the rules and regulations made  
51 by the superintendent hereunder. Every licensee shall preserve such  
52 books, accounts and records for at least two years.

53 [~~6.~~] 7. Before a licensee shall deposit with any banking organization,  
54 or with any organization engaged in the business of banking, a check,  
55 draft or money order cashed by such licensee, the same must be endorsed  
56 with the actual name under which such licensee is doing business and

1 must have the words "licensed casher of checks" legibly written or  
2 stamped immediately after or below such name.

3 ~~[7-]~~ 8. Every licensee shall submit to the superintendent, or such  
4 person as the superintendent may designate, such suspicious activity  
5 reports or currency transaction reports as are required to be submitted  
6 to federal authorities pursuant to provisions of the Bank Secrecy Act  
7 (subchapter 11, chapter 53, title 31, United States code) and regu-  
8 lations and administrative orders related thereto, as amended, within  
9 the periods of time as required by such act and regulations. A licensee  
10 may submit a copy of any such report to the superintendent, or such  
11 person as the superintendent may designate, that is filed with such  
12 federal authorities. The superintendent may adopt such regulations or  
13 require such additional reports as he or she deems necessary to insure  
14 the effective enforcement of this subdivision.

15 § 10. Section 372-a of the banking law, as added by chapter 432 of the  
16 laws of 2004, is amended to read as follows:

17 § 372-a. Superintendent authorized to examine. 1. For the purpose of  
18 discovering violations of this article or securing information lawfully  
19 required in this section, the superintendent may at any time, and as  
20 often as may be determined, either personally or by a person duly desig-  
21 nated by the superintendent, investigate the ~~[cashing of checks by]~~  
22 licensees and their business practices as authorized by this article and  
23 examine the books, accounts, records, and files used therein of every  
24 licensee.

25 2. For the purpose established in subdivision one of this section, the  
26 superintendent and his or her duly designated representatives shall have  
27 free access to the offices and places of business, books, accounts,  
28 papers, records, files, safes and vaults of all such licensees. The  
29 superintendent shall have authority to require the attendance of and to  
30 examine under oath all persons whose testimony may be required relative  
31 to such cashing of checks or such business.

32 § 11. Subdivisions 1 and 2 of section 373 of the banking law, subdivi-  
33 sion 1 as amended by chapter 432 of the laws of 2004 and subdivision 2  
34 as amended by chapter 132 of the laws of 1969, are amended to read as  
35 follows:

36 1. No licensee shall engage in the business of making loans of money,  
37 credit, goods or things or discounting of notes, bills of exchange,  
38 checks, or other evidences of debt pursuant to the provisions of article  
39 nine of this chapter, nor shall a loan business or the negotiation of  
40 loans or the discounting of notes, bills of exchange, checks or other  
41 evidences of debt be conducted on the same premises where the licensee  
42 is conducting business pursuant to the provisions of this article.  
43 Except as otherwise provided by regulation of the superintendent, all  
44 checks, drafts and money orders shall be deposited in the licensee's  
45 bank account not later than the first business day following the day on  
46 which they were cashed. No licensee shall at any time cash or advance  
47 any moneys on a post-dated check or draft or engage in the business of  
48 transmitting money or receiving money for transmission; provided, howev-  
49 er, that a licensee may cash a check ~~[payable on the first banking busi-~~  
50 ~~ness day following the date of cashing (a) if such check is drawn by the~~  
51 ~~United States, the state of New York, or any political subdivision of~~  
52 ~~the state of New York, or by any department, bureau, agency, authority,~~  
53 ~~instrumentality or officer, acting in his official capacity, of the~~  
54 ~~United States or of the state of New York or of any political subdivi-~~  
55 ~~sion of the state of New York, or (b) if such check is a payroll check~~  
56 ~~drawn by an employer to the order of its employee in payment for~~

1 ~~services performed by such employee]~~ without regard to the date  
2 imprinted on the check as long as the check is dated not more than five  
3 business days after the date of presentment and as long as the check is  
4 deposited in the licensee's bank account not later than the first busi-  
5 ness day following the day on which it was cashed that is: (a) payable  
6 no more than five banking business days following the date of cashing if  
7 such check is drawn by the United States, the state of New York, or any  
8 political subdivision of the state of New York, or by any department,  
9 bureau, agency, authority, instrumentality or officer, acting in his or  
10 her official capacity, of the United States or of the state of New York  
11 or of any political subdivision of the state of New York; (b) payable no  
12 more than five banking business days following the date of cashing if  
13 such check is payable to a natural person and is in an amount not  
14 exceeding one thousand dollars; or (c) payable on the first banking  
15 business day following the date of cashing if such check is a payroll  
16 check drawn by an employer to the order of its employee in payment for  
17 services performed by such employee. Any licensee who cashes post-dated  
18 checks pursuant to paragraph (a) or (b) of this subdivision shall do so  
19 subject to the safety and soundness requirements of this article,  
20 including establishment of policies and procedures to implement robust  
21 due diligence, risk management, liquidity management, structured trans-  
22 actions and fraud prevention. No licensee shall cash any check, draft  
23 or money order if the face amount for which it is drawn is in excess of  
24 [~~fifteen~~] twenty thousand dollars; provided, however, that this  
25 restriction shall not apply to the cashing of checks, drafts or money  
26 orders drawn by the United States, any state thereof or any political  
27 subdivision of any such state, or by any department, bureau, agency,  
28 authority, instrumentality or officer, acting in his or her official  
29 capacity, of the United States, any state thereof or any political  
30 subdivision of any such state, or any [~~banking~~] financial institution,  
31 or to any check or draft drawn by or on account of any insurance compa-  
32 ny, attorney for the settlement of claims, or to any check which has  
33 been certified or guaranteed by the [~~banking~~] financial institution on  
34 which it has been drawn, or if such check is drawn on a bona fide work-  
35 ers' compensation fund issued by a third-party payor, or if such check  
36 is drawn by an employer from a pension or profit sharing fund, or if  
37 such check is drawn by a union from a pension or benefit fund or if such  
38 check is drawn by a union; provided further, however, that any such  
39 restriction upon the maximum face amount that may be cashed by a licen-  
40 see shall not apply to the cashing of checks, drafts or money orders by  
41 licensees for payees of such checks, drafts or money orders that are  
42 other than natural persons. For purposes of this subdivision, "[~~banking~~]  
43 financial institution" means any bank, trust company, savings bank,  
44 savings and loan association [~~or~~], credit union or other financial  
45 institution which is incorporated, chartered [~~or~~], organized or licensed  
46 under the laws of this state or any other state or the United States.

47 2. The superintendent may suspend or revoke any license or licenses  
48 issued pursuant to this article if, after notice and a hearing, he or  
49 she shall find that the licensee (a) has committed any fraud, engaged in  
50 any dishonest activities or made any misrepresentation; or (b) has  
51 violated any provisions of the banking law or any regulation issued  
52 pursuant thereto, or has violated any other law in the course of its or  
53 his or her dealings as a licensed casher of checks; or (c) has made a  
54 false statement in the application for such license or failed to give a  
55 true reply to a question in such application; or (d) has demonstrated  
56 his or its incompetency or untrustworthiness to act as a licensed casher



1 of checks; or (e) is not doing sufficient business pursuant to this  
2 article to justify the continuance of the license, or if he or she shall  
3 find that any ground or grounds exist which would require or warrant the  
4 refusal of an application for the issuance of the license if such an  
5 application were then before him or her. Such a hearing shall be held  
6 in the manner and upon such notice as may be prescribed by the super-  
7 intendent. Pending an investigation or a hearing for the suspension or  
8 revocation of any license or licenses issued pursuant to this article,  
9 the superintendent may temporarily suspend such license or licenses for  
10 a period not to exceed ninety days, provided the superintendent shall  
11 find that such a temporary suspension is in the public interest.

12 § 12. Subdivision 3 of section 37 of the banking law, as amended by  
13 chapter 360 of the laws of 1984, is amended to read as follows:

14 3. In addition to any reports expressly required by this chapter to be  
15 made, the superintendent may require any banking organization, licensed  
16 lender, licensed casher of checks, licensed mortgage banker, foreign  
17 banking corporation licensed by the superintendent to do business in  
18 this state, bank holding company and any non-banking subsidiary thereof,  
19 corporate affiliate of a corporate banking organization within the mean-  
20 ing of subdivision six of section thirty-six of this article and any  
21 non-banking subsidiary of a corporation which is an affiliate of a  
22 corporate banking organization within the meaning of subdivision six-a  
23 of section thirty-six of this article to make special reports to him or  
24 her at such times as he or she may prescribe.

25 § 13. Within ninety days of the effective date of this act, the  
26 superintendent of financial services shall commence a review of its  
27 current system of issuing licenses for check cashing licensees, the  
28 establishment of new check cashing locations, for the relocation of  
29 check cashing locations, and for changes of control of existing check  
30 cashing licensees, and will issue a report to the governor, the chairman  
31 of the assembly banks committee, and the chairman of the senate banks  
32 committee, regarding the costs (including application fees, preparation  
33 fees, and other costs) incurred by applicants to prepare and submit  
34 applications, the costs incurred by the department of financial services  
35 to review and process applications, the length of time required for the  
36 review and processing of applications by such department, and recommen-  
37 dations to improve the efficiency and lessen the costs, burdens, and  
38 length of such department's licensing processes. The superintendent of  
39 financial services shall report to the governor and to the respective  
40 committee chairs within one hundred eighty days of the date of commence-  
41 ment of his or her review. The superintendent of financial services  
42 shall consult with and receive input from check cashing licensees in the  
43 preparation of its analysis and report.

44 § 14. This act shall take effect on the one hundred eightieth day  
45 after it shall have become a law; provided, however, that:

46 (a) the amendments to section 373 of the banking law made by section  
47 eleven of this act shall expire and be deemed repealed June 30, 2028;  
48 and

49 (b) any contract, instrument, agreement or other written obligation  
50 entered into by a financial services provider authorized under section  
51 373 of the banking law prior to June 30, 2028 shall be deemed valid and  
52 enforceable after such date.

53 Effective immediately the addition, amendment and/or repeal of any  
54 rule or regulation necessary for the implementation of this act on its  
55 effective date are authorized to be made and completed on or before such  
56 effective date.