

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 13.5. DEPARTMENT OF JUSTICE REGULATIONS FOR THE
CHECK CASHER PERMIT PROGRAM
UPDATED INFORMATIVE DIGEST

Effect of the Proposed Rulemaking:

On December 2, 2022, the Department of Justice (Department) published the Notice of Proposed Rulemaking Action. Following the Notice of Proposed Rulemaking Action, the regulations text and incorporated documents were modified on August 7, 2023. The modifications are described below:

Article 1: Article 1 was amended to include “specific” before “fixed location” within the definition of “Permit.”

Article 2: Article 2 was amended to specify that electronic fingerprint images must accompany every initial or first-time application for a permit, to include the complete title of the Applicant Fingerprint Form (FD-258, Rev. 11-1-20) 1110-0046, and to specify surrendered or revoked permits cannot be renewed. Article 2 was non-substantively amended to make grammatical corrections.

The forms incorporated by reference in Article 2 were also proposed to be adopted with some revisions from the originally noticed versions.

BCIA 4130: The Application for Check Casher Permit (BCIA 4130, Rev. 04/2022), part A was revised to require the applicant provide information like name, date of birth, contact information, etc. for each additional partner, officer, and shareholder with 10% or more ownership. Part B of this form was revised to not collect information related to the deferred deposit. Former part C of this form was revised to remove the request for additional information from an applicant owning any other check cashing businesses in California for which a permit has not been obtained and instead current part B now directs the applicant to submit a new application for each additional location. This form was also revised to remove the “Information and Instructions to Applicant” section, to include the Privacy Notice’s applicability to the Applicant Fingerprint Form (FD-258, Rev. 11-1-20) 1110-0046, and to include the title of “Program Analyst” as the contact on the Privacy Notice.

BCIA 4000: The Supplemental Application for Mobile Check Cashing Unit (BCIA 4000, Rev. 04/2022) was revised to make changes to the information collected, add a Privacy Notice, add the “Business Name (Doing Business As)” field, and to include the title of “Program Analyst” as the contact on the Privacy Notice.

BCIA 8016CCPP: The Request for Live Scan Service (BCIA 8016CCPP, Orig. 09/2022) was proposed to be adopted and revised from the originally noticed version to specify that the “Misc. Number” field is applicable in the absence of a Driver's License Number and to include the title of “Program Analyst” as the contact on the Privacy Notice.

BCIA 4132: The Renewal Application for Check Cashier Permit (BCIA 4132, Rev. 04/2022) was revised to update the “Part C” instructions describing the permit status from “inactive,” to “revoked,” and to include the title of “Program Analyst” as the contact on the Privacy Notice.

BCIA 4001: The Renewal Application for Mobile Check Cashier Permit (BCIA 4001, Rev. 04/2022) “Part A” was revised to update the explanation offered if “no” was selected. Instead of the permit being placed on inactive status, the permit will be considered “surrendered.” Additionally, “Part C” was revised to update the instructions describing the permit status from “inactive,” to “revoked,” and to include the title of “Program Analyst” as the contact on the Privacy Notice.

Article 3: Article 3 was amended to clarify that a fixed location business is where business is conducted from a specific, fixed location; to clarify a permittee is prohibited from transacting business at any other place of business than that named in the permit; to clarify that the process to surrender is only applicable for an active permit; to clarify that a permittee cannot surrender any permit, but rather only surrender their own permit; and to specify the procedure for surrendering a permit after the current effective period. Article 3 was also non-substantively amended to make grammatical corrections and maintain consistency.

Article 4: Article 4 was amended to remove reference to suspension from a section related to revocations, to properly notice a change not underlined in the originally noticed Text of Proposed Regulations, to include failure to comply with the renewal requirements as cause for revocation of a permit, and to correctly reflect the existing language being repealed. Article 4 was also non-substantively amended to make grammatical corrections and maintain consistency.

Applicable Laws:

There have been no other changes in the applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Rulemaking Action.