

533C.102 Definitions.

In this chapter:

1. "*Applicant*" means a person that files an application for a license under this chapter.
2. "*Authorized delegate*" means a person a licensee designates to provide money services on behalf of the licensee.
3. "*Bank*" means an institution organized under federal or state law which does any of the following:
 - a. Accepts demand deposits or deposits that the depositor may use for payment to third parties and engages in the business of making commercial loans.
 - b. Engages in credit card operations and maintains only one office that accepts deposits, does not accept demand deposits or deposits that the depositor may use for payments to third parties, does not accept a savings or time deposit less than one hundred thousand dollars, and does not engage in the business of making commercial loans.
4. "*Compensation*" means any fee, commission, or other benefit.
5. "*Conducting the business*" means engaging in activities of a licensee or money transmitter more than ten times in any calendar year for compensation.
6. "*Control*" means any of the following:
 - a. Ownership of, or the power to vote, directly or indirectly, at least twenty-five percent of a class of voting securities or voting interests of a licensee or person in control of a licensee.
 - b. Power to elect a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or person in control of a licensee.
 - c. The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.
7. "*Credit union*" means a cooperative, nonprofit association incorporated under chapter 533 or the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., that is insured by the national credit union administration and includes an office of a credit union.
8. "*Currency exchange*" means receipt of compensation from the exchange of money of one government for money of another government.
9. "*Executive officer*" means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.
10. "*Licensee*" means a person licensed under this chapter.
11. "*Location*" means a place of business at which activity conducted by a licensee or money transmitter occurs.
12. "*Monetary value*" means a medium of exchange, whether or not redeemable in money.
13. "*Money*" means a medium of exchange authorized or adopted by a domestic or foreign government as a

part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

14. "*Money services*" means money transmission or currency exchange.

15. "*Money transmission*" means any of the following:

a. Selling payment instruments to one or more persons or issuing payment instruments which are sold to one or more persons.

b. Conducting the business of receiving money or monetary value for transmission.

c. Conducting the business of receiving money for obligors for the purpose of paying obligors' bills, invoices, or accounts.

16. "*Outstanding*", with respect to a payment instrument, means issued or sold by or for the licensee and reported as sold but not yet paid by or for the licensee.

17. "*Payment instrument*" means a check, draft, money order, traveler's check, stored-value, or other instrument or order for the transmission or payment of money or monetary value, sold to one or more persons, whether or not that instrument or order is negotiable. "*Payment instrument*" does not include an instrument that is redeemable by the issuer or an affiliate in merchandise or service, a credit card voucher, or a letter of credit.

18. "*Person*" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency or instrumentality; public corporation; or any other legal or commercial entity.

19. "*Proceeds*" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes any property of any kind.

20. "*Property*" means anything of value, and includes any interest in property, including any benefit, privilege, claim, or right with respect to anything of value, whether real or personal, tangible or intangible, without reduction for expenses incurred for acquisition, maintenance, production, or any other purpose.

21. "*Record*" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

22. "*Responsible individual*" means an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this state.

23. "*State*" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

24. "*Stored-value*" means a monetary value that is evidenced by an electronic record.

25. "*Superintendent*" means the superintendent of banking for the state of Iowa.

26. "*Transaction*" includes a purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, transfer between accounts, exchange of currency, extension of credit, purchase or sale of any monetary instrument or stored-value, use of a safe deposit box, or any other acquisition or disposition of property by whatever means effected.

27. "*Unsafe or unsound practice*" means a practice or conduct by a person licensed to engage in money transmission or an authorized delegate of such a person which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the interests of its customers.

2003 Acts, ch 96, §2, 42