

§6100-T. Maintenance of permissible investments

Permissible investment maintenance is governed by this section. [PL 2023, c. 662, §2 (NEW).]

1. Investment requirements. A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles in the United States of not less than the aggregate amount of all of its outstanding money transmission obligations.

[PL 2023, c. 662, §2 (NEW).]

2. Investment limits. Except for permissible investments enumerated in section 6100-U, subsection 1, the administrator, with respect to any licensee, may by rule or order limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, if the specific investment represents undue risk to customers, not reflected in the market value of investments.

[PL 2023, c. 662, §2 (NEW).]

3. Trusts. Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations in the event of insolvency, the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 United States Code, Sections 101 to 110 for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. A permissible investment impressed with a trust pursuant to this section may not be subject to attachment, levy of execution or sequestration by order of any court, except for a beneficiary of this statutory trust.

[PL 2023, c. 662, §2 (NEW).]

4. Notice. Upon the establishment of a statutory trust in accordance with subsection 3 or when any funds are drawn on a letter of credit pursuant to section 6100-U, subsection 1, paragraph D, the administrator shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice is deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State, and other states, as applicable. A statutory trust established pursuant to this subsection is terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

[PL 2023, c. 662, §2 (NEW).]

5. Other investments. The administrator by rule or order may allow other types of investments that the administrator determines are of sufficient liquidity and quality to be a permissible investment. The administrator may participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

[PL 2023, c. 662, §2 (NEW).]

SECTION HISTORY

PL 2023, c. 662, §2 (NEW).

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