

MO3 Records ~~[Section 12-52-110 and 12-52-210, C.R.S.]~~ [Section 11-110-111, 11-110-114, and 11-110-201, C.R.S.]

A. ~~[Emergency rule expired 07/29/2020]~~ Quarterly NMLS Money Service Business Call Reports

All licensees must submit, using the NMLS portal, the NMLS Money Service Business Call Report on a calendar quarterly basis, as outlined below:

1. Licensees must complete the standard section, which includes the Permissible Investment Report and, if applicable, any expanded section of the NMLS Money Service Business Call Report.
2. The quarterly NMLS Money Service Business Call Report is due within forty-five (45) calendar days of the end of the calendar quarter.
3. Failure to properly submit a NMLS Money Service Business Call Report in a timely manner as outlined above, may result in a Late Filing Fee as set forth in the Division's Fee Schedule.
- ~~1. State, to the best of its knowledge and belief, whether or not the licensee complied with the provisions of the Colorado Money Transmitters Act and Banking Board Rules at all times during the quarter, and if not, describe the circumstances of the noncompliance.~~
- ~~2. Provide a statement of the permissible investments owned by the licensee as of the end of the quarter, showing the total market value of the permissible investments and containing the following information with respect to each permissible investment:
 - ~~a. Identify the security, including the name of the issuer, the type of the security, CUSIP number, and such other information as may be necessary to distinguish the security from other permissible investments issued by the same issuer.~~
 - ~~b. State the market value of the security as of the end of the quarter.~~
 - ~~c. If the qualification of the security as a permissible investment depends upon the assignment of an eligible rating, state the rating assigned to the security and identify the rating service.~~~~
- ~~3. Provide a statement of the amount of the surety bond, issuer of the surety bond, and the expiration date of the bond maintained pursuant to The Money Transmitters Act.~~
- ~~4. If securities have been deposited in lieu of a surety bond, list the issuer of the securities, the type of securities, their par values, their maturity dates, their CUSIP numbers, and the name and address of the institution with which the securities were deposited.~~
- ~~5. Total assets, liabilities, and capital as of the end of the quarter.~~
- ~~6. Total dollar amount of exchange issued or sold and money transmitted in Colorado remaining unpaid as of the year end.~~
- ~~7. Total dollar amount of exchange issued or sold and money transmitted in Colorado since year end.~~
- ~~8. Total dollar amount of exchange issued or sold and money transmitted in Colorado and cleared (paid in the current calendar year.~~
- ~~9. Total dollar amount of exchange issued or sold and money transmitted in Colorado~~

~~remaining unpaid as of the end of the quarter.~~

- B. 1. Each licensee must make, keep, and preserve the following ~~books, accounts, and other~~ Records for a period of ~~seven (7)~~ three (3) ~~years:~~
- ~~B.~~
- ~~1. Record or records of payment instruments sold and money transmitted as required by the licensee's normal business practices.~~
- a. A general ledger containing all asset, liability, capital, income, and expense ~~2-~~ accounts, which general ledger shall be posted at least monthly.
- ~~3.1. Settlement sheets received from agents, if any.~~
- ~~4.b.~~ Financial institution statements and reconciliation records.
- ~~5.1. Records of outstanding payment instruments and money transmitted.~~
- ~~6. Records of each payment instrument paid and money transmitted within the 3-year period.~~
- ~~7. A list of the names and addresses of all of the licensee's agents, as well as copies of each agent contract. Agent contracts need not be maintained for agents that have been terminated.~~
2. Each licensee must make, keep, and preserve the following other Records for a period of five (5) years:
- a. Record or Records of payment instruments sold, and money transmitted as required by the licensee's normal business practices.
- b. Settlement sheets received from agents, if any.
- c. Records of outstanding payment instruments and money transmitted.
- d. Records of each payment instrument paid, and money transmitted within the period.
- e. A list of the names and addresses of all of the licensee's agents, as well as copies of each agent contract.
- C. 1. Each licensee shall annually report information as of July 31 for each agent performing money transmission services for Colorado consumers. The information shall be submitted to the Division by September 30, ~~in a format furnished by the Commissioner (Money Transmitter Agent Information form),~~ and must include:
- a. Business name of agent.
- b. Street address, City, State, and Zip code of agent.
- c. Telephone number of agent.
- d. Money transmission services provided at the location.
- e. Each owner of the agent business that owns greater than ten (10) percent of the business, if a partnership or an entity created pursuant to Title 7, C.R.S. - Corporations and Associations, including:
- (1) Street address, City, state, and Zip code of each of the owners; and
- (2) Home telephone number of each of the owners.
2. An agent of a licensed money transmitter involved in selling or adding additional money to "Stored Value" issued by the licensed money transmitter or to corporations organized under the general banking, savings and loan, or credit union laws of Colorado or the United States,

is not subject to this Paragraph of this Rule.

- ~~3. For the purpose of this Rule, the definition of "Stored Value" set forth in section 12-52-202 (2), C.R.S. shall be applicable.~~
- ~~D. The records required to be maintained may be maintained at any location, provided the licensee notifies the Division of Banking in writing of the location of its records prior to each scheduled examination.~~
- ~~E. The original of any record of licensee or agent includes the data or other information comprising a record stored or transmitted in or by means of any electronic, computerized, mechanized, or other information storage or retrieval or transmission system or device that can upon request generate, regenerate, or transmit the precise data or other information comprising the record; and an original also includes the visible data or other information so generated, regenerated, or transmitted if it is legible or can be made legible by enlargement or other process.~~