

N.C.P.I.—Crim 219D.15

ENGAGING IN THE BUSINESS OF MONEY TRANSMISSION WITHOUT A
LICENSE. MISDEMEANOR.

JUNE 2017

N.C. Gen. Stat. §§ 53-208.58(c); 53-208.43

219D.15 ENGAGING IN THE BUSINESS OF MONEY TRANSMISSION
WITHOUT A LICENSE.¹ MISDEMEANOR.

*NOTE WELL: The North Carolina Money Transmitters Act is
effective October 1, 2015.*

The defendant has been charged with engaging in the business
of money transmission without a license.

For you to find the defendant guilty of this offense, the State
must prove three things beyond a reasonable doubt:

First, that the defendant engaged in the business of money
transmission in the State of North Carolina, that is, defendant²

[(a) engaged in the [sale] [issuance] of [payment
instruments ³] [stored value] primarily for [personal]
[family] [household] purposes]

[(b) [received [money] [monetary value] for transmission]
[held funds incidental to transmission [within the United
States] [to locations abroad] by [payment instrument]
[stored value] [wire] [facsimile] [electronic transfer]
primarily for [personal] [family] [household] purposes]⁴

[(c) [solicited] [advertised] money transmission services⁵ from
a Web site that North Carolina citizens may access in order
to enter into those transactions by electronic means.]

Second, that the defendant was not licensed to engage in the
business of money transmission.⁶

And Third, that the defendant did so knowingly and willfully.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully engaged in the business of money transmission in the State of North Carolina, that is, defendant

[(a) engaged in the [sale] [issuance] of [payment instruments] [stored value] primarily for [personal] [family] [household] purposes]

[(b) [received [money] [monetary value] for transmission] [held funds incidental to transmission [within the United States] [to locations abroad] by [payment instrument] [stored value] [wire] [facsimile] [electronic transfer] primarily for [personal] [family] [household] purposes]

[(c) [solicited] [advertised] money transmission services from a Web site that North Carolina citizens may access in order to enter into those transactions by electronic means],

and the defendant was not licensed to engage in the business of money transmission, then it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 53-208.44 for exemptions to the license requirement.

2 N.C. Gen. Stat. §53-208.42(18) states that the defendant could be any individual, partnership, limited liability company, limited partnership, association, joint-stock association, trust, corporation, or other group engaged in joint business activities however organized.

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3 Payment instrument includes a check, draft, money order, traveler's check, or other instrument for the transmission or payment of money or monetary value, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or any other instrument that is redeemable by the issuer exclusively in goods or services. N.C. Gen. Stat. § 53-208.42(16).

4 This includes maintaining control of virtual currency on behalf of others.

5 N.C. Gen. Stat. § 53-208.42(12).

6 See N.C. Gen. Stat. § 53-208.43 for license requirements.

