

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0471/1dn
MDK:jld:rs

January 19, 2006

Rep. Fitzgerald:

Please note the following about this substitute amendment:

1. The substitute amendment removes the requirement for DFI to enforce the new requirements. However, I assume that you want to maintain the requirement for DFI to promulgate rules on what constitutes proper identification. Is that okay?
2. The substitute amendment creates a private cause of action. Note that an action can be brought for a failure to comply. The instructions refer to a "negligent" failure to comply, but I assume that you don't really mean that, because that would exclude actions based on intentional failures to comply.
3. The substitute amendment also makes the other changes you requested.

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