



Department of the Treasury Financial Crimes Enforcement Network

MONEY SERVICES BUSINESS REGISTRATION FACT SHEET

The Bank Secrecy Act (BSA)¹ requires certain money services businesses (MSBs) to register with the Financial Crimes Enforcement Network (FinCEN), of the U.S. Department of the Treasury, **within 180 days after the date on which the MSB is established**. These businesses are also required to prepare and maintain a list of agents. This fact sheet is designed to provide the information you need to know in order to comply with the MSB registration requirement. For further information, please visit www.cryptio.ltd or call the FinCEN Regulatory Helpline at 800-949-2732.

MSB Registration Requirement

A business that meets the definition of an MSB (see page 2) because it provides one or more of the following products or services must register (except as noted below):

- Money orders
- Check cashing
- Traveler's checks
- Currency dealing or exchange
- Money transmission

Solely an Agent. A business that is an MSB solely because it serves as an agent of another MSB is not required to register. However, a business that is an MSB because it engages in MSB activities (above), both on its own behalf and as an agent of another MSB, must register.

Example: A supermarket corporation that acts as an agent (as a seller of money orders) for an issuer of money orders, and performs no other services of a nature and amount that would cause the supermarket corporation to be an MSB, is not required to register. This is true even if the supermarket corporation serves as an agent for two or more MSBs. However, the supermarket corporation will have to register if, in addition to acting as an agent of the money order issuer, it provides check cashing or currency exchange services (other than as an agent for another MSB) in an amount greater than \$1,000 for any person on any day in one or more transactions.

Stored Value. A business that is an MSB solely as an issuer, seller, or redeemer of stored value is not required to register. If, however, a business is an MSB because of other services it provides (above), providing stored value services does not relieve it of the responsibility to register.

Other. The U.S. Postal Service and agencies of the United States, of any State, or of any political subdivision of any State, are not required to register.

¹ The **Bank Secrecy Act (BSA)** is the name commonly given to a federal statute codified at Title 31, U.S. Code, Sections 5311-5330. The BSA is a federal recordkeeping and reporting law applicable to all persons (individuals and organizations) defined as financial institutions under regulations implementing the BSA, found at Title 31, Code of Federal Regulations, Part 103. All persons considered financial institutions under the BSA regulations must comply with applicable BSA recordkeeping and reporting requirements. Some BSA requirements apply to all financial institutions, while some apply only to specific types or categories of financial institutions. A business that meets the definition of an MSB must comply with both the general obligations that apply to all financial institutions and the specific obligations that apply to MSBs.

This guidance is intended to explain general issues concerning the registration requirement under 31 CFR Part 103. The guidance does not replace or supercede the regulation.

Filing Instructions

MSBs must be registered by using FinCEN Form 107, Registration of Money Services Business. Registration is the responsibility of the owner or controlling person of the MSB. The owner or controlling person must sign and file the completed form. Instructions for completion and filing accompany the form.

Agent Lists

An MSB that is required to register and has agents must prepare and maintain a list of its agents.

That list must be updated annually. Generally, the list must include:

- *Name:* The name of the agent, including any trade names or doing-business-as names.
- *Address:* The address of the agent, including street address, city, state, and ZIP code.
- *Telephone Number:* The telephone number of the agent.
- *Type of Services:* The type of MSB services the agent provides on behalf of the MSB maintaining the list.
- *Gross Transaction Amount:* A listing of the individual months in the 12 months immediately preceding the date of the agent list in which the agent's gross transaction amount for financial products or services issued by the MSB maintaining the agent list exceeded \$100,000.
- *Depository Institution:* Name and address of any depository institution at which the agent maintains a transaction account for any of the funds received in or for the MSB services the agent provides on behalf of the MSB maintaining the list.
- *Year Became Agent.* The year in which the agent first became an agent of the MSB.
- *Branches:* The number of branches and sub-agents the agent has, if any.

Supporting Documentation

Supporting documentation, including a copy of the filed form, an estimate of business volume, information regarding ownership or control, and the agent list must be retained by the MSB for a period of five years.

Definition of an MSB

The term "money services business" (MSB) includes any person doing business, whether or not on a regular basis or as an organized business concern, in one or more of the following capacities:

- Check cashier
- Currency dealing or exchange
- Issuer of travelers' checks, money orders or stored value
- Seller or redeemer of travelers' checks, money orders or stored value
- Money transmitter
- U.S. Postal Service

To meet the definition of an MSB, a person must conduct more than \$1,000 in business with one person in one or more transactions (in one category of activity listed above) on any one day. A business is an MSB for each activity for which it meets this threshold. However, there is one exception. **No activity threshold applies to the definition of money transmitter.** A person that engages as a business in the transfer of funds is a money transmitter and an MSB, regardless of the amount of transfer activity.

Role of Internal Revenue Service's Detroit Computing Center

BSA reporting forms, including MSB registration forms, are filed with Internal Revenue Service Detroit Computing Center (IRS DCC or DCC). The DCC processes BSA forms and data on behalf of FinCEN.

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