

HB 764 -- VIRTUAL CURRENCY

SPONSOR: Christofanelli

DIGITAL ASSET MINING PROTECTION ACT (Section 67.2060)

This bill establishes the "Digital Asset Mining Protection Act" and precludes the state and political subdivisions from prohibiting the running of a node or series of nodes for the purpose of home digital asset mining, as defined in the bill, at a private residence. In addition, the bill specifies other actions that the state and political subdivisions cannot take against a digital asset mining business. The bill also states that the Public Service Commission cannot set a rate schedule that creates discriminatory rates for a digital asset mining business.

PROPERTY EXEMPT FROM TAXES (Section 137.100)

This bill adds "virtual currency" to the list of subjects that are exempt from state, county or local tax. The bill defines "virtual currency" as any type of digital representation of value which is used as a medium of exchange and is not recognized as legal tender by the United States government.

OPEN BLOCKCHAIN TOKENS (Section 324.1160)

An open blockchain token is regarded as intangible personal property when it possesses certain characteristics as detailed in the bill. Several terms are also defined in the bill. Prior to making an open blockchain token available for sale, the developer or seller of a token or registered agent has to electronically file a notice of intent form with the Secretary of State, and pay the filing fee of \$1,000. The contents of the form are described in the bill.

SALE OF CHECKS LAW (Sections 361.700 and 361.705)

The bill adds the definition of "virtual currency" to the Sale of Checks Law. Currently, a person has to obtain a license from the Director of the Division of Finance within the Department of Commerce and Insurance to issue checks in the state of Missouri and Sections 361.700 to 361.727 do not apply to certain entities. The bill states that Sections 361.700 to 361.727 do not apply to the buying, selling, issuing or taking custody of payment instruments or stored value in the form of virtual currency or receiving virtual currency for transmitting it within or outside the United States.