

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 440  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “units;” insert “altering certain required statements on the application form for a certain license;”; in line 6, after “license;” insert “prohibiting the issuance of a certain license to a minor;”; in line 7, after “address;” insert “authorizing the Secretary to deny, suspend, or revoke a license or reprimand a licensee, under certain circumstances, for employing an individual whose secondhand precious metal dealer’s license has been revoked; altering the requirements for submitting certain records to primary law enforcement units; requiring the submission of certain records to local law enforcement units under certain circumstances;”; in line 12, after “property;” insert “altering the place at which a dealer must hold a certain precious metal object under certain circumstances;”; strike beginning with “prohibiting” in line 15 down through “requirements” in line 17 and substitute “authorizing the Secretary to impose certain civil penalties for certain violations; altering certain criminal penalties for certain violations; defining certain terms; and generally relating to secondhand precious metal object dealers and pawnbrokers;” and in line 26, strike “and 12-502”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 13 through 16, inclusive, and substitute:

“(D) “FIXED BUSINESS ADDRESS” MEANS A SINGLE PHYSICAL LOCATION WHERE A LICENSEE REGULARLY CONDUCTS BUSINESS AND AT WHICH THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE IS PHYSICALLY PRESENT DURING NORMAL BUSINESS HOURS.”;

and strike in their entirety lines 19 through 21, inclusive, and substitute:

“(F) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY RESOLUTION OF

(Over)

THE COUNTY GOVERNING BODY, WITH JURISDICTION OVER ANY PLACE WHERE A DEALER TRANSACTS BUSINESS OTHER THAN THE DEALER'S FIXED BUSINESS ADDRESS.".

AMENDMENT NO. 3

On page 5, in line 10, strike "In" and substitute "EXCEPT AS OTHERWISE PROVIDED, IN"; in line 13, strike ", EXCEPT WHERE OTHERWISE INDICATED"; and in lines 36 and 37, strike "REASONABLE GROUNDS" and substitute "PROBABLE CAUSE".

On page 10, in line 25, strike "A REASONABLE BASIS" and substitute "PROBABLE CAUSE"; and in line 33, after "(A)" insert "IF THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS TITLE HAS OCCURRED.".

AMENDMENT NO. 4

On page 4, in line 4, after "investigation" insert "OR AN INVESTIGATION OF A VIOLATION OF THIS TITLE"; and in line 8, strike "PURSUANT TO" and substitute "IN ACCORDANCE WITH".

On page 8, in line 30, after "OCCURRED" insert "OR ANOTHER LOCATION APPROVED BY THE SECRETARY".

On page 10, in line 17, after "PROPERTY" insert "AS PART OF A STOLEN PROPERTY INVESTIGATION OR AN INVESTIGATION OF A VIOLATION OF THIS TITLE"; in line 31, strike "FINED UP TO \$500" and substitute "ASSESSED A CIVIL PENALTY AS PROVIDED IN SUBSECTION (D) OF THIS SECTION"; and after line 31, insert:

"(D) (1) THE SECRETARY MAY IMPOSE ON A LICENSEE WHO VIOLATES THIS SECTION A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

(III) ANY PREVIOUS VIOLATIONS;

(IV) THE HARMFUL EFFECT OF THE VIOLATION ON THE  
COMPLAINANT, THE PUBLIC, AND THE BUSINESS OF THE DEALER OR PAWNBROKER;  
AND

(V) ANY OTHER RELEVANT FACTORS.”.

AMENDMENT NO. 5

On pages 8 and 9, strike in their entirety the lines beginning with line 33 on page 8 through line 4 on page 9, inclusive, and substitute:

“(A) (1) A DEALER SHALL SUBMIT A COPY OF EACH RECORD TO THE PRIMARY  
LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(2) IF THE DEALER TRANSACTS BUSINESS IN ACCORDANCE WITH  
§ 12-206(B) OF THIS TITLE, THE DEALER ALSO SHALL SUBMIT A COPY OF THE  
RECORDS TO THE LOCAL LAW ENFORCEMENT UNIT IN ACCORDANCE WITH  
SUBSECTION (B) OF THIS SECTION.

(B) THE DEALER SHALL SUBMIT THE RECORDS BY DELIVERING OR MAILING A  
COPY OF THE RECORD BY THE END OF THE NEXT BUSINESS DAY AFTER THE DAY ON  
WHICH THE ITEM WAS ACQUIRED.”.

On page 9, in lines 5, 10, and 14, strike “(b)”, “(c)”, and “(d)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

AMENDMENT NO. 6

On page 9, in line 18, strike “A” and substitute “(1) EXCEPT AS OTHERWISE PROVIDED  
IN THIS SECTION, A”; after line 20, insert:

“(2) A DEALER WHO ACQUIRES A PRECIOUS METAL OBJECT OR ITEM OF  
PERSONAL PROPERTY AT AN EVENT WHICH TAKES PLACE AT A LOCATION OTHER

(Over)

THAN THE DEALER'S FIXED BUSINESS ADDRESS SHALL PLACE THE OBJECT AND A RECORD OF ITS ACQUISITION AT A LOCATION IN ACCORDANCE WITH SUBSECTION (D)(1) OR (2) OF THIS SECTION BY THE NEXT BUSINESS DAY AFTER ACQUIRING THE OBJECT.

(3) IN PARTIAL COMPLIANCE WITH THE 18-DAY HOLDING REQUIREMENT UNDER THIS SUBSECTION, A DEALER MAY MAINTAIN AN OBJECT AND THE RECORD OF ITS ACQUISITION AT A LOCATION OTHER THAN THE DEALER'S FIXED BUSINESS ADDRESS, IF THE LOCAL LAW ENFORCEMENT UNIT IN THE JURISDICTION WHERE THE ITEM WAS ACQUIRED PROVIDES WRITTEN APPROVAL."

On page 10, strike in their entirety lines 6 through 11, inclusive.

AMENDMENT NO. 7

On page 11, strike in their entirety lines 1 through 3, inclusive; in lines 4, 5, 12, and 15, in each instance, strike the brackets; in line 4, strike "12-503."; in line 5, strike "EXCEPT FOR A VIOLATION OF § 12-305 OF THIS TITLE, A"; in line 7, strike "\$5,000" and substitute "\$10,000"; in the same line, strike "1 year" and substitute "2 YEARS"; strike in their entirety lines 8 through 11, inclusive; in line 12, strike "(C)"; and in line 15, strike "(D)".