
By: **Senator Collins (Baltimore County Administration) and Senator
McFadden (Baltimore City Administration)**

Introduced and read first time: February 15, 2000

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers and Pawnbrokers - Records -**
3 **Digital Images**

4 FOR the purpose of requiring secondhand precious metal object dealers and
5 pawnbrokers in certain counties to take certain photographs of certain
6 individuals and certain items involved in certain business transactions;
7 requiring the records of secondhand precious metal object dealers and
8 pawnbrokers in certain counties to include certain photographs; requiring
9 secondhand precious metal object dealers and pawnbrokers in certain counties
10 to submit to certain law enforcement units certain photographs and information
11 as digital images in a certain format, with certain exceptions, until a certain
12 date; requiring the records to be transmitted to certain law enforcement units in
13 a certain manner and at a certain time; and generally relating to the records of
14 secondhand precious metal object dealers and pawnbrokers.

15 BY repealing and reenacting, with amendments,
16 Article - Business Regulation
17 Section 12-301, 12-302, and 12-304
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Business Regulation**

23 12-301.

24 (a) Each dealer shall make a written record, on a form provided by the
25 Secretary, of each business transaction that involves the acquisition of a secondhand
26 precious metal object when the transaction is made.

27 (b) Each pawnbroker shall make a written record, on a form provided by the
28 Secretary, of each business transaction that involves:

1 (1) lending money on pledge of personal property, other than a security
2 or printed evidence of indebtedness; or

3 (2) buying personal property on condition of selling it back at a
4 stipulated price; or

5 (3) buying the following items for the purpose of resale:

6 (i) binoculars;

7 (ii) cameras;

8 (iii) firearms;

9 (iv) furs;

10 (v) household appliances;

11 (vi) musical instruments;

12 (vii) office machines or equipment;

13 (viii) radios, televisions, videodisc machines, videocassette
14 recorders, and stereo equipment;

15 (ix) personal computers, tapes, and disc recorders;

16 (x) watches;

17 (xi) bicycles; and

18 (xii) tangible personal property pledged as collateral.

19 (c) Each pawnbroker shall make a written record, on a form provided by the
20 Secretary, of each transaction that involves the acquisition of an item described in
21 subsection (b)(3) of this section for the purpose of resale.

22 (d) A separate record entry shall be made for each item involved in a
23 transaction. However, items in a matching set may be recorded as a set if acquired in
24 a single transaction.

25 (e) The dealer shall tag each item individually with a number that
26 corresponds to the transaction under which it was acquired. However, items acquired
27 in a matching set may be tagged as a set.

28 (f) For the purposes of this subtitle, there is a presumption that an object is a
29 precious metal object if:

30 (1) it reasonably appears to be a precious metal object; and

1 (2) it was received by a dealer in the course of business or is found in the
2 place of business or storage facility of a dealer.

3 (G) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY AND
4 BALTIMORE COUNTY.

5 (2) FOR EACH BUSINESS TRANSACTION THAT A DEALER OR
6 PAWNBROKER IS REQUIRED TO RECORD IN WRITING UNDER THIS SECTION, THE
7 DEALER OR PAWNBROKER SHALL TAKE A DIGITAL COLOR PHOTOGRAPH OF:

8 (I) EACH INDIVIDUAL INVOLVED IN THE BUSINESS TRANSACTION;
9 AND

10 (II) EACH ITEM INVOLVED IN THE BUSINESS TRANSACTION.

11 (3) UNTIL SEPTEMBER 30, 2001, A DEALER OR PAWNBROKER MAY MEET
12 THE REQUIREMENTS OF THIS SUBSECTION BY TAKING AN INSTANT PHOTOGRAPH OF
13 THE INDIVIDUAL AND ITEM INVOLVED IN THE BUSINESS TRANSACTION.

14 12-302.

15 (a) In addition to any other information required by the Secretary, the records
16 of a dealer shall include:

17 (1) the date, place, and time of each transaction that involves the
18 acquisition of a precious metal object;

19 (2) the name and address of the principal, if the transaction is by an
20 agent;

21 (3) a description of the precious metal object, including:

22 (i) its approximate metallic composition;

23 (ii) any jewels, stones, or glass parts;

24 (iii) any mark, number, word, or other identification on the precious
25 metal object;

26 (iv) its weight, if payment is based on weight;

27 (v) a statement whether it appears to have been altered by any
28 means, including:

29 1. obscuring a serial number or identifying feature;

30 2. melting; or

31 3. recutting a gem; and

32 (vi) the amount paid or other consideration;

1 (4) for each individual from whom the dealer acquires a precious metal
2 object:

3 (i) the name, date of birth, and driver's license number of the
4 individual; or

5 (ii) identification information about the individual that:

6 1. positively identifies the individual from at least 2 forms of
7 identification, which may include an age of majority card, military identification, or
8 passport; and

9 2. provides a physical description of the individual, including
10 the sex, race, any distinguishing features, and approximate age, height, and weight of
11 the individual;

12 (5) a statement indicating whether or not the person making the
13 transaction is personally known to the dealer; and

14 (6) the signature of the person from whom the precious metal object or
15 personal property is acquired and the dealer or employee who accepted the precious
16 metal object.

17 (b) In addition to any other information required by the Secretary, the records
18 of a pawnbroker shall include, for each item pawned:

19 (1) the type of item;

20 (2) its manufacturer, model number, year of manufacture if known, and
21 serial number if known; and

22 (3) its color and size.

23 (C) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY AND
24 BALTIMORE COUNTY.

25 (2) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, THE
26 RECORDS OF A DEALER SHALL INCLUDE A DIGITAL COLOR PHOTOGRAPH OF:

27 (I) EACH PRECIOUS METAL OBJECT THAT THE DEALER ACQUIRES
28 IN A BUSINESS TRANSACTION; AND

29 (II) EACH INDIVIDUAL FROM WHOM THE DEALER ACQUIRES A
30 PRECIOUS METAL OBJECT IN A BUSINESS TRANSACTION.

31 (3) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, THE
32 RECORDS OF A PAWNBROKER SHALL INCLUDE A DIGITAL COLOR PHOTOGRAPH OF:

33 (I) EACH ITEM PAWNED; AND

34 (II) EACH INDIVIDUAL WHO PAWNS AN ITEM.

1 (4) UNTIL SEPTEMBER 30, 2001, THE PHOTOGRAPHS REQUIRED UNDER
2 THIS SUBSECTION MAY BE IN THE FORM OF INSTANT PHOTOGRAPHS.

3 12-304.

4 (a) (1) A dealer shall submit a copy of each record to the primary law
5 enforcement unit in accordance with subsection (b) of this section.

6 (2) If the dealer transacts business in accordance with § 12-206(b) of this
7 title, the dealer also shall submit a copy of the records to the local law enforcement
8 unit in accordance with subsection (b) of this section.

9 (3) On the request of a dealer, the Secretary shall provide to the dealer a
10 list of local law enforcement units.

11 (b) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS
12 SUBSECTION, THE dealer shall submit the records by delivering or mailing a copy of
13 the records by the end of the next business day after the day on which the item was
14 acquired.

15 (2) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY AND
16 BALTIMORE COUNTY.

17 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF
18 THIS PARAGRAPH, EACH DEALER AND EACH PAWNBROKER SHALL SUBMIT THE
19 DIGITAL COLOR PHOTOGRAPHS REQUIRED UNDER §§ 12-301 AND 12-302 OF THIS
20 SUBTITLE AS DIGITAL IMAGES IN THE FORMAT REQUIRED BY THE SECRETARY TO
21 THE PRIMARY LAW ENFORCEMENT UNIT AND, IF APPLICABLE, THE LOCAL LAW
22 ENFORCEMENT UNIT.

23 (III) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF
24 THIS PARAGRAPH, THE DIGITAL IMAGES AND OTHER INFORMATION REQUIRED
25 UNDER §§ 122-301 AND 12-302 OF THIS SUBTITLE SHALL BE TRANSFERRED VIA
26 MODEM FROM THE COMPUTER OF THE DEALER OR PAWNBROKER TO THE
27 COMPUTER OF THE PRIMARY LAW ENFORCEMENT UNIT AND, IF APPLICABLE, THE
28 LOCAL LAW ENFORCEMENT UNIT.

29 (IV) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF
30 THIS PARAGRAPH, THE RECORDS REQUIRED UNDER THIS PARAGRAPH SHALL BE
31 TRANSMITTED COMPLETELY AND ACCURATELY AFTER THE CLOSE OF BUSINESS
32 EACH DAY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE PRIMARY LAW
33 ENFORCEMENT UNIT AND, IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT.

34 (V) UNTIL SEPTEMBER 30, 2001, A DEALER OR PAWNBROKER MAY
35 MEET THE REQUIREMENTS OF THIS PARAGRAPH BY:

36 1. ATTACHING THE INSTANT PHOTOGRAPH REQUIRED
37 UNDER §§ 12-301 AND 12-302 OF THIS SUBTITLE TO THE COPY OF EACH RECORD THAT
38 THE DEALER OR PAWNBROKER IS REQUIRED TO SUBMIT TO THE PRIMARY LAW

1 ENFORCEMENT UNIT AND, IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT;
2 AND

3 2. DELIVERING OR MAILING A COPY OF THE RECORDS WITH
4 THE ATTACHED PHOTOGRAPHS BY THE END OF THE NEXT BUSINESS DAY AFTER THE
5 DAY ON WHICH THE ITEM WAS ACQUIRED.

6 (c) Each copy of a record, submitted to the primary law enforcement unit and,
7 if applicable, local law enforcement unit, shall include:

- 8 (1) the license number of the dealer;
- 9 (2) the location of each item listed in the record; and
- 10 (3) the information required under § 12-302 of this subtitle.
- 11 (d) A copy of a record submitted under this section:
 - 12 (1) shall be kept confidential;
 - 13 (2) is not a public record; and
 - 14 (3) is not subject to Title 10, Subtitle 6 of the State Government Article.

15 (e) A law enforcement unit may destroy the copy of a record submitted under
16 this section after 1 year from the date the law enforcement unit receives the copy.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.