
By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation - Pawnbrokers - Registry**

3 FOR the purpose of requiring the Secretary of Labor, Licensing, and Regulation to
4 maintain a certain registry available only to pawnbrokers within the State;
5 requiring that the registry contain the names of persons convicted of certain
6 crimes within a certain time period; requiring the Secretary to remove the name
7 of a person from the registry a certain number of years after the conviction of a
8 certain crime; requiring a pawnbroker to require certain persons to provide
9 valid identification before transacting with the person; requiring a pawnbroker
10 to consult the registry to ensure that a person's name does not appear on the
11 registry; prohibiting a pawnbroker from transacting with a person whose name
12 appears on the registry; establishing a certain criminal penalty; requiring the
13 Secretary to adopt regulations to carry out the provisions of this Act; authorizing
14 the Secretary to consult the Department of Public Safety and Correctional
15 Services in carrying out the provisions of this Act; providing for a delayed
16 effective date; defining a certain term; and generally relating to the regulation
17 of pawnbrokers.

18 BY adding to
19 Article - Business Regulation
20 Section 19-401 through 19-405, inclusive, to be under the new subtitle "Subtitle
21 4. Pawnbrokers"
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)

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

1 **Article - Business Regulation**

2 SUBTITLE 4. PAWNBROKERS.

3 19-401.

4 IN THIS SUBTITLE, "PAWNBROKER" MEANS A PERSON:

5 (1) WHO LENDS OR ADVANCES MONEY OR OTHER ITEMS FOR PROFIT ON
6 THE PLEDGE AND POSSESSION OF TANGIBLE PERSONAL PROPERTY, OR OTHER
7 VALUABLE ITEMS, OTHER THAN SECURITIES OR WRITTEN OR PRINTED EVIDENCES
8 OF INDEBTEDNESS OR TITLE; OR

9 (2) WHO DEALS IN THE PURCHASING OF PERSONAL PROPERTY OR
10 OTHER VALUABLE ITEMS ON CONDITION OF SELLING THE PERSONAL PROPERTY OR
11 OTHER VALUABLE ITEM BACK TO THE SELLER AT A STIPULATED PRICE.

12 19-402.

13 (A) THE SECRETARY SHALL MAINTAIN A CURRENT AND COMPLETE
14 INTERNAL, ON-LINE REGISTRY AVAILABLE THROUGH THE INTERNET ONLY TO ALL
15 PAWNBROKERS WITHIN THE STATE.

16 (B) THE REGISTRY SHALL CONTAIN THE NAMES OF ALL PERSONS CONVICTED
17 OF THE FOLLOWING CRIMES WITHIN 3 YEARS:

18 (1) ROBBERY UNDER § 3-402 OF THE CRIMINAL LAW ARTICLE;

19 (2) ROBBERY WITH A DANGEROUS WEAPON UNDER § 3-403 OF THE
20 CRIMINAL LAW ARTICLE;

21 (3) CARJACKING OR ARMED CARJACKING UNDER § 3-405 OF THE
22 CRIMINAL LAW ARTICLE;

23 (4) BURGLARY IN ANY DEGREE UNDER TITLE 6, SUBTITLE 2 OF THE
24 CRIMINAL LAW ARTICLE;

25 (5) BURGLARY WITH A DESTRUCTIVE DEVICE UNDER § 6-207 OF THE
26 CRIMINAL LAW ARTICLE;

27 (6) BREAKING AND ENTERING A RESEARCH FACILITY UNDER § 6-208 OF
28 THE CRIMINAL LAW ARTICLE;

29 (7) BREAKING AND ENTERING A MOTOR VEHICLE UNDER § 6-206 OF THE
30 CRIMINAL LAW ARTICLE; AND

31 (8) DRUG-RELATED CRIMES CLASSIFIED AS FELONIES UNDER TITLE 5
32 OF THE CRIMINAL LAW ARTICLE.

1 (C) IF 3 YEARS HAVE PASSED SINCE THE CONVICTION OF A PERSON WHOSE
2 NAME APPEARS ON THE REGISTRY, THE SECRETARY SHALL REMOVE THE NAME OF
3 THE PERSON FROM THE REGISTRY.

4 19-403.

5 (A) BEFORE TRANSACTING WITH A PERSON, A PAWNBROKER SHALL:

6 (1) REQUIRE THE PERSON TO PROVIDE VALID IDENTIFICATION, ISSUED
7 BY AN EMPLOYER, GOVERNMENT UNIT, OR INSTITUTION OF HIGHER LEARNING,
8 THAT POSITIVELY IDENTIFIES THE PERSON; AND

9 (2) CONSULT THE INTERNAL, ON-LINE REGISTRY TO ENSURE THAT THE
10 PERSON'S NAME AS IT APPEARS ON THE VALID IDENTIFICATION DOES NOT APPEAR
11 ON THE REGISTRY.

12 (B) A PAWNBROKER MAY NOT TRANSACT WITH A PERSON IF THAT PERSON'S
13 NAME APPEARS ON THE REGISTRY.

14 19-404.

15 A PAWNBROKER THAT VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
16 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.

17 19-405.

18 (A) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
19 PROVISIONS OF THIS SUBTITLE.

20 (B) THE SECRETARY MAY CONSULT THE DEPARTMENT OF PUBLIC SAFETY
21 AND CORRECTIONAL SERVICES IN CARRYING OUT THIS SUBTITLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 January 1, 2007.