

SENATE BILL 365

C2

71r1320
CF HB 333

By: **Senators Dyson, Astle, DeGrange, Exum, Hooper, Klausmeier, Pinsky, and Stone**

Introduced and read first time: February 1, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers and Pawnbrokers –**
3 **Definition of Dealer**

4 FOR the purpose of altering the definition of dealer to mean an individual who
5 arranges for the sale or delivery of a secondhand precious metal object on behalf
6 of a person who does not hold a license to do business as a dealer; and
7 generally relating to the regulation of secondhand precious metal object dealers
8 and pawnbrokers.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 12–101(a), (e), and (i) and 12–201
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 12–101(b)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2006 Supplement)

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

21 **Article – Business Regulation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) (1) "Dealer" means:

4 (I) an individual who acquires commercially from the public or
5 trades commercially with the public in secondhand precious metal objects;

6 (II) **AN INDIVIDUAL WHO FOR COMPENSATION ARRANGES**
7 **FOR THE SALE OR DELIVERY OF A SECONDHAND PRECIOUS METAL OBJECT ON**
8 **BEHALF OF A PERSON WHO DOES NOT HOLD A LICENSE UNDER THIS TITLE; or [,]**

9 (III) unless otherwise provided, a pawnbroker.

10 (2) "Dealer" includes a retail jeweler as to transactions in which the
11 retail jeweler acquires commercially from the public or trades commercially with the
12 public in secondhand precious metal objects.

13 (e) "License" means a license issued by the Secretary to do business as a
14 dealer.

15 (i) "Precious metal object" means:

16 (1) a precious metal that is:

17 (i) gold;

18 (ii) iridium;

19 (iii) palladium;

20 (iv) platinum; or

21 (v) silver;

22 (2) a precious or semiprecious stone, or a pearl, that is or appears to
23 have been attached to or inlaid in a precious metal listed in paragraph (1) of this
24 subsection or any alloy of a precious metal; or

1 (3) an object that is composed of a precious metal listed in paragraph
2 (1) of this subsection or any alloy of a precious metal if:

3 (i) the market value of the metal in the object lies principally in
4 its precious metal component; or

5 (ii) at least 25% of the weight of the object is precious metal.

6 12-201.

7 (a) Except as otherwise provided in this title, an individual shall have a
8 license before the individual does business as a dealer in the State.

9 (b) Except those pawnbrokers who are exempt from State licensing under §
10 12-102(c) of this title, all pawnbrokers must be licensed as dealers.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2007.