

# HOUSE BILL 342

C2

8lr0585

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By: **Delegate Pena-Melnyk**

Introduced and read first time: January 25, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pawnbrokers – Required Records – Photographs of Individuals**

3 FOR the purpose of requiring pawnbrokers to take a photograph of individuals who  
4 pawn items of personal property worth more than a certain amount; requiring  
5 the records of pawnbrokers to include the photographs of certain individuals;  
6 requiring pawnbrokers to keep certain photographs and bills of sale for a  
7 certain period of time; and generally relating to pawnbrokers and records of  
8 pawn transactions.

9 BY repealing and reenacting, with amendments,  
10 Article – Business Regulation  
11 Section 12–301 through 12–303  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2007 Supplement)

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

16 **Article – Business Regulation**

17 12–301.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4                   (i)    binoculars;

5                   (ii)   cameras;

6                   (iii)  firearms;

7                   (iv)   furs;

8                   (v)    household appliances;

9                   (vi)   musical instruments;

10                  (vii)  office machines or equipment;

11                   (viii)  radios, televisions, videodisc machines, videocassette  
12 recorders, and stereo equipment;

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

14                  (x)    watches;

15                  (xi)   bicycles; and

16                  (xii)  tangible personal property pledged as collateral.

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

20           **(D)    IN ADDITION TO MEETING THE OTHER REQUIREMENTS OF THIS**  
21 **SECTION, A PAWNBROKER SHALL TAKE A PHOTOGRAPH OF EACH INDIVIDUAL**  
22 **FROM WHOM AN ITEM OF PERSONAL PROPERTY WORTH MORE THAN \$100 IS**  
23 **ACQUIRED IN A PAWN TRANSACTION.**

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

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

1            [(f)] (G)     For the purposes of this subtitle, there is a presumption that an  
2 object is a precious metal object if:

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

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

6 12-302.

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

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

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

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

14                            (i)     its approximate metallic composition;

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

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

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

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

21                                    1.     obscuring a serial number or identifying feature;

22                                    2.     melting; or

23                                    3.     recutting a gem; and

24                            (vi)    the amount paid or other consideration;

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

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

1 (ii) identification information about the individual that:

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

5 2. provides a physical description of the individual,  
6 including the sex, race, any distinguishing features, and approximate age, height, and  
7 weight of the individual;

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

10 (6) the signature of the person from whom the precious metal object or  
11 personal property is acquired and the dealer or employee who accepted the precious  
12 metal object.

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

15 (1) the type of item;

16 (2) its manufacturer, model number, year of manufacture if known,  
17 and serial number if known; [and]

18 (3) its color and size; **AND**

19 (4) **IF THE ITEM IS WORTH MORE THAN \$100, THE PHOTOGRAPH**  
20 **OF THE INDIVIDUAL REQUIRED TO BE TAKEN UNDER § 12-301(D) OF THIS**  
21 **SUBTITLE.**

22 12-303.

23 (A) Unless otherwise authorized by the Secretary **AND EXCEPT AS**  
24 **OTHERWISE PROVIDED IN THIS SECTION**, a dealer shall keep the records required  
25 by this subtitle, at a location within the State, for 3 years after the date of the  
26 transaction.

27 (B) **FOR EACH ITEM PAWNED THAT IS WORTH MORE THAN \$100, A**  
28 **PAWNBROKER SHALL KEEP AT THE FIXED BUSINESS ADDRESS OF THE**  
29 **PAWNBROKER FOR 1 YEAR AFTER THE DATE OF THE PAWN TRANSACTION:**

30 (1) **THE PHOTOGRAPH OF THE INDIVIDUAL REQUIRED TO BE**  
31 **TAKEN UNDER § 12-301(D) OF THIS SUBTITLE; AND**

32 (2) **THE BILL OF SALE FOR THE ITEM PAWNED.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2008.